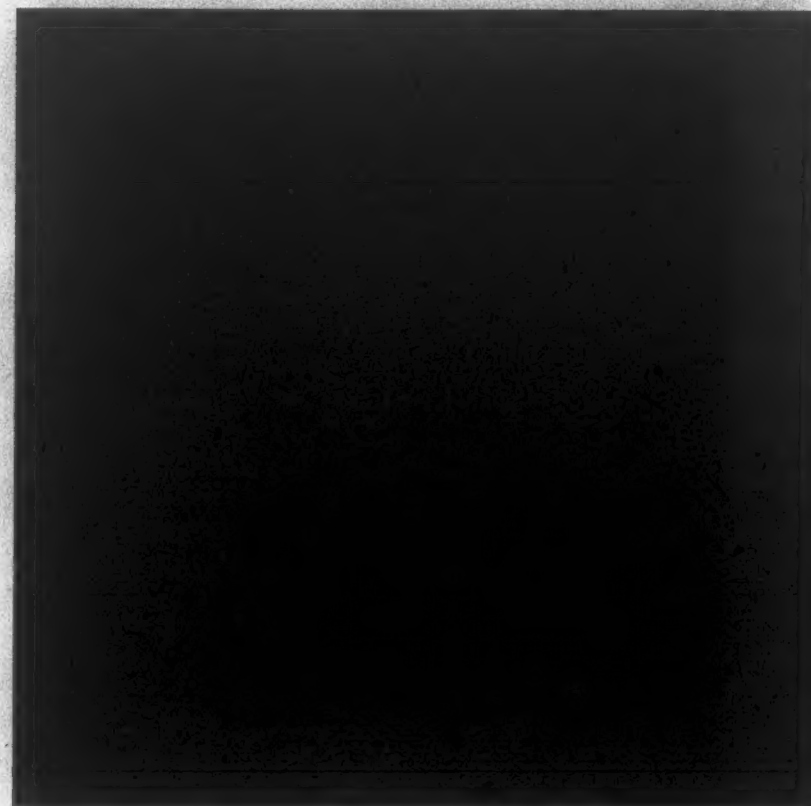
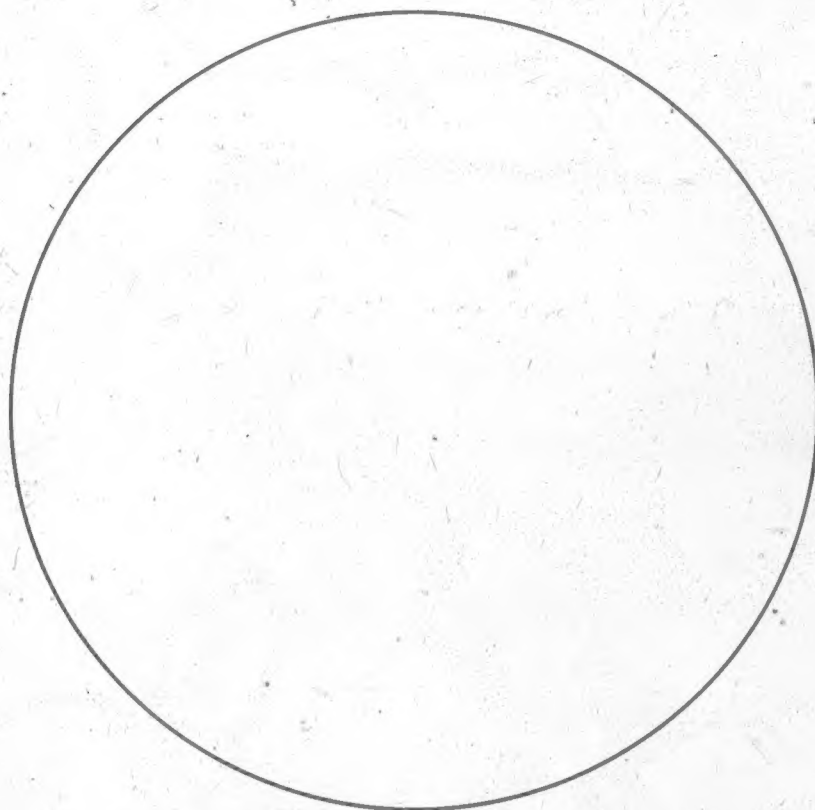
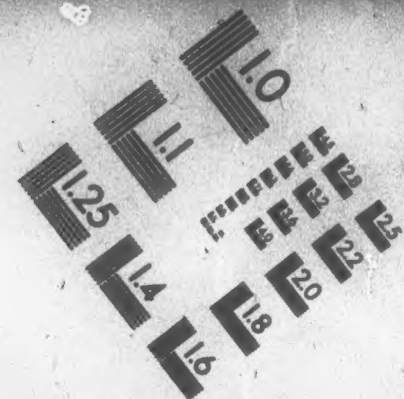
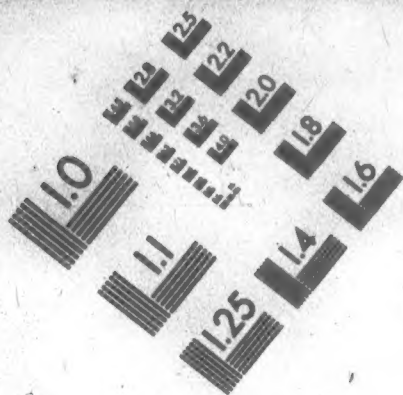




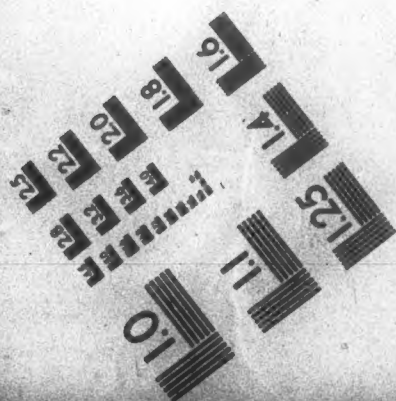
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APPLICATIONS FOR ENROLLMENT OF THE
COMMISSION TO THE FIVE CIVILIZED TRIBES
1898 - 1914

ROLL 378

CHEROKEE FREEDMEN R631 - R651

THE NATIONAL ARCHIVES
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GENERAL SERVICES ADMINISTRATION

WASHINGTON: 1983

Cher. Fr. R. 681

Trans. from F.D. 321

Cher. Fr. R. 681

FILED
20 1901

Department of the Interior.
Commission to the Five Civilized Tribes.
Vinita, I. T., May 18, 1901.

In the matter of the application of Eliza J. Hardrick for the enrollment of herself and four children as Cherokee Freedmen; she being sworn and examined by Commissioner T. B. Needles, testified as follows:

- Q What is your name? A Eliza J. Hardrick.
Q How old are you? A I am about 44 or 48, somewhere along there; I don't know my age exactly.
Q What is your postoffice? A Vinita.
Q What district do you live in? A Shawnee.
Q Do you apply to be enrolled as a Cherokee Freedman? A Yes sir.
Q Have you ever been recognized by the Cherokee authorities as a Cherokee Freedman? A I don't know sir, whether I have or not.
Q Is your name on the roll of 1880? A No sir, I don't think it is.
Q Did you know what is known as Cherokee strip money? A Yes sir.
Q Is your name on the Kerns Clifton Roll? A Yes sir.
Q Who do you want to enroll besides yourself? A My four children.
Q What are the names of your four children? A Arthur Lynch.
Q How old is he? A He is twenty.
Q The next child? A Ethel Lynch. She is 14.
Q The next one? A Mattie Lynch.
Q How old is Mattie? A 10.
Q The next one? A Claude Lynch. He is 7.
Q How does it happen that these children are named Lynch? A Their father was named that.
Q What is their father's name? A Charley Lynch; he is married again, and we separated.
Q You resumed your maiden name of Eliza Hardrick? A Yes sir.
Q What is your father's name? A Moses Hardrick.
Q Is he living? A Yes sir.
Q Where were you born? A In the Cherokee Nation.
Q These children all living? A Yes sir.
Q Have you lived in the Cherokee Nation all your life? A Yes sir, as far as I can remember.
Q Were you born a slave? A Yes sir.
Q Who did you belong to? A Lewis Bass.
Q Were you taken out of the Cherokee Nation during the war? A Yes sir.
Q Where did you go? A I don't remember; father said we went to Kansas.
Q Did you come back with your father? A Yes sir, I was small.
Q Have you lived in the Cherokee Nation ever since? A Yes sir.
Q Do you remember what year he brought you back? A He said in '66.

The 1880 and the 1896 rolls examined and the names of the applicants not found thereon.

The Kerns Clifton Roll examined and the names of the applicants are found thereon as follows:

Page 115, No. 2868, Eliza Jane Hardrick,	Dist. not given.
Page 116, No. 2875, Arthur Lynch,	" " "
Page 116, No. 2876, Ethel Lynch	" " "
Page 116, No. 2877, Mattie Lynch,	" " "

- Q Did you draw for Claude? A No sir.
Q I understand you to say these children are all living at this time? A Yes sir.
Q All born in the Cherokee Nation? A Yes sir.
Q You were born in the Cherokee Nation? A Yes sir.
Q Lived in the Cherokee Nation all your life except the time your father took you to Kansas during the war? A Yes sir.
Q You don't know the reason why your name is not on the roll of 1880? A No sir.

Applicant applies for the enrollment of herself and four children. She avers that she is the child of Moses Hardrick. She avers that she was married to one Lynch, from whom she is now separated, and by whom she had four children, to-wit: Arthur, Ethel, Mattie and Claude. Upon examination of the roll of 1880, the applicant's name was not found thereon, but her name is found upon the Kerns Clifton Roll, and she is duly identified thereby. The names of her three eldest children, Arthur, Ethel, Mattie, are found upon the Kerns Clifton Roll, and are duly identified. She makes satisfactory proof of birth of the youngest child, Claude, whose name does not appear upon the roll. She avers that her rights of citizenship depend upon the rights of her father, Moses Hardrick, 71 years of age, who was enrolled as a Cherokee Freedman upon doubtful card 314. Consequently, the testimony taken in the case of Moses Hardrick, father of the applicant, on D. Card 314, will be made a part of the record in the case of the applicant and copies of the same will be filed with the applicant's testimony. She makes satisfactory proof as to residence; ~~she avers~~ she avers that after the separation of herself and her husband Lynch, she resumed her maiden name, Hardrick; consequently, Eliza J. Hardrick and her children, Arthur, Ethel, Mattie and Claude Lynch, will be listed for enrollment as Cherokee Freedmen upon what is known as a doubtful card, awaiting further consideration of the Commission. When the Commission arrives at the conclusion in her case, she will be notified of the same by mail.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a full, true and correct transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 18th day of May, 1901.

E. J. H.
Commissioner.

subscribed and sworn to before me this 12th day of July, 1901.
Being a true and correct copy of the original.
The Commissioner of the Five Civilized Tribes and the
The undersigned, being duly sworn, says that the foregoing is

Commissioner.
D. H. Breckinridge.

Sworn to and subscribed before me this 12th of July, 1901.

James C. Jones.

Notary Public.

Notarizing to a true and complete transcript of the foregoing
signed the proceedings and testimony in the above case, and the
to the Commission to the Five Civilized Tribes be correctly re-
plied C. Jones, being duly sworn, says that he is not a

be duly notified of the same by mail.
the Commission arrives at a conclusion in the premises, he will
soliciting further consideration of the Commission. When
for enrollment as a Cherokee Freedman on a doubtful card
ed by the Cherokee Commission. Now Harrison with his stated
is not on the roll of 1880 and that his citizenship is contest-
proof as to his residence. In reason of the fact that his name
listed upon the Keweenaw roll. He makes affidavit
roll of 1880 his name is not found thereon. He is duly iden-
a Cherokee Freedman. Upon examination of the authenticated

Now Harrison exhibits to the enrollment of himself as
Commissioner.

That was in December, 1900.
A. Yes, sir.

Q. You mean you were living at the residence of Uncle Joe Panchi
and then I came over to the place over there? I heard.

Q. This here was pointing to old Charlie Panchi's place I went from
Q. Was that the place you bought from Joe Panchi? A No, sir.
Q. Was that on between there right on the farm on his place?

Q. Was that the old Harrison place? Not the Harrison

To be filed in case of Eliza J. Hardrick et al.

Department of the Interior.
Commission to the Five Civilized Tribes,
Vinita, I. T., May 16, 1901.

In the matter of the application of Mose Hardrick for enrollment as a Cherokee Freedman.

Mose Hardrick, being duly sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A Mose Hardrick.

Q How old are you? A 71.

Q What is your postoffice address? A Chelsea.

Q What district do you live in? A Cooweescoowee.

Q Do you apply to be enrolled as a Cherokee Freedman? A Yes, sir, I want to be.

Q Who do you want to enroll besides yourself? A I have six children here.

Q Under 21 years of age, any of them? A No, sir.

Q They must all appear for themselves. If your name on the roll of 1880? A I don't think it is.

Q Is your name on any of the rolls of the Cherokee Nation? A Yes sir, it is on the Clifton and Wallace.

The 1880 authenticated roll of Cherokee Freedmen examined and the applicant not identified thereon.

The 1896 census roll of Cherokee Freedmen examined, and the applicant not identified thereon.

The Kerns Clifton roll examined, and the applicant identified thereon, page 115, No. 3854, Mose Hardrick, no district;

The Wallace roll examined, and the applicant identified thereon page 183, No. 3359, Moses Hardrick.

By Edgar Smith, attorney for applicant: Were you a slave?

A Yes, sir.

Q To whom did you belong? A Lewis Ross.

Q Was he a Cherokee and a citizen of the Cherokee Nation? A Yes, sir.

Q Where were you when the war broke out between the north and south?

A Right here in the Cherokee Nation.

Q Did you go out of the Cherokee Nation during the war? A Yes, sir

Q Where did you go to? A Kansas.

Q When did you return? A In '66.

Q About what time in '66? A In the spring.

Q Where have you lived since 1866? A Right here in the Nation.

Q In what Nation? A The Cherokee Nation.

Q Have you ever lived out of the Cherokee Nation since 1866? A No, sir.

By L. B. Bell, Cherokee attorney: Where did you go to in 1866?

A Down here on Dr. Thompson's place.

Q How long did you live there? A Stayed there till the winter of 1867.

Commissioner: Why is your name not on the roll of 1880? A Well, politics was the cause of it.

Q Did you ever apply to the Cherokee authorities to have your name placed on the roll? A I went one time when they told me to go, I went.

Q They refused to put it on? A Bob Daniels said they were not doing business for negroes, they were doing business for Indians, for us to go home.

Mr. Bell: You applied to the Supreme Court? A It was that that Bob Daniels was chief justice of the thing, and that is what they told us when we went; they notified us, the Sheriff of Delaware district.

Commissioner: Have you always voted in the Cherokee Nation?

A Yes, sir.

Q Vote every time you get a chance? A Been voting most all the time.

Q Ever hold any office? A No, sir.

Mose Hardrick - 2.

Mr. Smith: Have you improvements on the public domain of the Cherokee Nation? A Yes, sir.

Q What? A I have got a farm.

Q How long have you had it? A I have had one on the Grand River where my children is living now ever since I have been here.

Q Ever since you have lived in the Cherokee Nation? A Ever since the war.

Commissioner: Did you ever have any business in the Courts of the Cherokee Nation? A No, sir.

Q Never was? A No, sir.

Mr. Bell: They didn't get you in jail? A No, sir, never did.

Frank Ross, being duly sworn by Commissioner Needles, testified as follows:

Mr. Smith: State your name? A Frank Ross.

Q How old are you? A 53.

Q Where do you live? A Lightning Creek.

Q What is your postoffice? A Hayden.

Q Do you know Mose Hardrick? A Yes, sir, I knowed him ever since I knowed myself.

Q Ever since you can recollect? A Yes, sir.

Q Did you know him before the war? A Yes, sir, we lived on the same place before the war.

Q Do you know where he was when the war broke out? A Yes, sir, he went to Kansas when the war broke out.

Q Do you know when he came back? A I saw him in the fall of 1866 down here on the river.

Q At what place? A Down there at the Bob Daniels place.

Q How far do you live from where he lives now? A I don't know; now, I live about eight miles from where he does not.

Q Do you know whether he has been living in the Cherokee Nation ever since 1866 or not? A Yes, sir, he has been right in the Cherokee Nation ever since.

Anderson Lynch, being duly sworn by Commissioner Needles, testified as follows:

Mr. Smith: State your name? A Anderson Lynch.

Q How old are you? A I am 64.

Q How long have you lived in the Cherokee? A Ever since I was born in here.

Q Do you know Mose Hardrick? A Yes, sir.

Q How long have you known him? A I knowed him a while before the war.

Q Where was he when the war commenced? A He was down here at Rosses, was all the place I knowed him.

Q In the Cherokee Nation? A Yes, sir, I saw him when they taken them all when they were carrying us all up there.

Q Do you know when he came back? A Not exactly, I know when I saw him, nearabouts; it was Christmas times when I saw him at a dance up at Dr. Thompson's place.

Q After the war? A Yes, sir.

Q What year? A That was in '66, along in there in the winter like.

Mr. Bell: You say you saw him in Christmas times? A Yes, sir, about Christmas.

Q ~~Were~~ Were you up there at the dance? A Yes, sir, went up there to play the fiddle.

Q Where did you live at then? A I lived down there on the Lynch place, on the Lynch Prairie.

Q That is on Lynch's prairie? A Yes, sir.

Mose Hardrick - 3.

Q What place? A There at the old Harrison place, not the Harrison place but on between there right on the farm on his place.

Q Was that the place you bought from Lon Lynch? A No, sir, this here was belonging to old Charlie Landrum's place I went from, and then I came over to the Lynch place over there; I hadn't moved on the Lon Lynch place.

Q You mean you were living at the residence of Uncle Joe Lynch?

A Yes, sir.

Q That was in December, 1866? A Yes, sir.

Commissioner:

Mose Hardrick applies for the enrollment of himself as a Cherokee Freedman. From an examination of the authenticated roll of 1880 his name is not found thereon. He is duly identified upon the Kerns-Clifton roll. He makes satisfactory proof as to his residence. By reason of the fact that his name is not on the roll of 1880 and that his citizenship is contested by the Cherokee authorities, Mose Hardrick will be listed for enrollment as a Cherokee Freedman on a doubtful card awaiting further consideration of the Commission. When the Commission arrives at a conclusion in the premises, he will be duly notified of the same by mail.

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C. Jones.

Sworn to and subscribed before me this the 16th of May, 1901.

G. R. Breckinridge.
Commissioner.

The undersigned, being duly sworn, says as stenographer to the Commission to the Five Civilized Tribes that the above and foregoing is a true and correct copy of the original.

Subscribed and sworn to before me this 17th day of July, 1901.

Commissioner.

JUN 33/1

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
MAR 28 1902

ACTING CHAIRMAN

Under the complete control of the Bureau of Indian Affairs, the Commission to the Five Civilized Tribes has been organized. The Commission is composed of five members, one from each of the five tribes, and one from the Bureau of Indian Affairs. The Commission is authorized to investigate and report on the conditions of the Five Civilized Tribes, and to recommend such measures as may be necessary for their improvement.

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File with Cherokee Freedman D-331 Mary Hardrick et al.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., February 5, 1902.

SUPPLEMENTAL TESTIMONY ON BEHALF OF CHEROKEE NATION in
the matter of the application of Moses Hardrick for enrollment as
a Cherokee Freedman. D-314.

Appearances:

Louis T. Brown, as agent for the applicant;
W. W. Hastings, of attorneys for the Cherokee Nation.

G. W. CLARK, being sworn and examined testified as follows:
BY HASTINGS:

Q What is your name? A G. W. Clark.

Q Mr. Clark, you are a Cherokee citizen by blood? A Yes sir,
Cherokee by blood.

Q How old are you? A I am coming birth-day 59 years old.

Q Your post-office address is Vinita? A Yes sir.

Q Mr. Clark, you were in the Union army were you, during the war?
A Yes sir, I was in the Union army during the war.

Q Mr. Clark, have you been a member of the Cherokee Senate and
Council both? A Yes sir, I represented in the Senate and Council
both.

Q You once lived in Saline District I believe? A Yes sir, I lived
in Saline and Delaware.

Q Were you also District Solicitor of Saline District were you?
A Yes sir.

Q You were also Circuit Judge of the Northern Circuit? A Yes sir,
I served for eight years.

Q I will ask you if you know a colored man who formerly lived on
Grand river south of Vinita but who now lives in the neighborhood
of Chelsen, I. T., by the name of Moss Hardrick? A Yes sir, I
was very well acquainted with Moss Hardrick.

Q I will ask you first when you married? A I married on the 8th
of June, 1865, mustered out of the service on the last day of May
and married eight days afterwards.

Q Now where did you locate? A I located on Lynch's prairie that
fall; went up there that coming fall of '65; stayed up there on this
side of the river.

Q Now far is that from Island Ford on Grand river? A About five
miles.

Q How long did you stay there? A Why we stayed there one year,
went there in the fall of '65, and moved from there in the fall of
'66; I moved up there in the neighborhood of where this fellow claimed
that he lived, up about seven or eight miles from there in what is
known as six mile bottom, right opposite the river from the Doctor
Thompson place, Bob Daniels' place, that neighborhood, in Delaware
District.

Q You then moved in the fall of '66 just across the river from the
Bob Daniels' or Doctor Thompson's place? A Yes sir.

Q And I believe you say about two miles? A About two or two and a
half miles.

Q You already stated you knew Moss Hardrick? A Yes sir.

Q Did you know him before the war? A Yes sir, I knew him before
the war, I think that worked at the place where his sister lived.

Q Is that at Park Hill? A Yes sir; he used to belong to Lewis Ross
but Lewis Ross gave him to his daughter; I first got acquainted
with him he belonged to George A. Thompson's wife; she was a Cher-
okee, Lewis Ross' daughter and lived at Park Hill.

Q That was in the Cherokee Nation? A Yes sir, Tallegah District.

Q Well now, how long did you continue to live at the place you moved to in the fall of '65 within two miles as you state of Doctor Thompson and Bob Daniels' place? A I think I lived there until '72.

Q Some five or six years? A Yes sir.

Q When did you "Arwick" return to the Cherokee Nation? A My recollection that he moved back from Kansas in the spring of '67, along late in the spring after grass was up.

Q Was he up there in that neighborhood when you moved there in the fall of '65? A No sir, he didn't live there.

Q You knew him before the war, as you stated? A Yes sir.

Q And you knew him when he came back? A Yes sir, I knew him when he came back.

Q You were well acquainted in that neighborhood? A Oh yes, I knew everybody in the neighborhood. There wasn't so many of us then.

Q You were in the Union army? A Yes sir. There was some colored people that came back and lived on that Doctor Thompson place in '65; Andy Frye and Peter Williams and an old fellow who used to belong to Martin Schrimmer, Tobe Schrimmer, his name was; he is dead.

Q You are positive that one "Arwick" was not there in that winter of '65? A No sir, he was not there; he didn't live there.

BY BROVE:

Q Then did you say you returned to the Cherokee Nation after the war? A When did I return?

Q Yes sir? A Well I just stopped here all the time.

Q You went out during the war didn't you? A No sir, I soldiered mostly in the Cherokee Nation; I was stationed there at Fort Gibson.

Q Where did you say you lived in the fall of '66? A In the fall of '66?

Q Yes sir? A I lived in Coowasecowa District, down below Lunch's Prairie, on this side of the river.

Q You mean Delaware district? A No, I mean Coowasecowa district. It was Coowasecowa then.

Q At that time? A Yes sir.

Q What is it now? A It is Coowasecowa yet; and then I moved across, to go straight across, I will give you an idea about it so you can ask whatever question you want to (illustrates) the river makes a bend here and then comes up here and makes another bend and going from here up to here it's near about eight miles, and in the fall of '66 after I had a army there I went across here about eight miles and around this way it is about twenty, so eight miles up here put us in Delaware District right close to where this man stated he lived, close to Bob Daniels place.

Q Now until the fall of '68 until the fall of '69 you lived you say about eight miles? A No I lived in about two miles of Doctor Thompson place but lived there in Delaware in December.

Q In your direct examination didn't you state that from the fall of '65 until the early part of '69 you lived in about eight miles of the Bob Daniels or Doctor Thompson place? A No, I said I lived there in the fall of '65 until the fall of '66, I only staid there one year and then in the fall of '66 I moved up to near Bob Daniels.

Q Where were you the Christmas of '66? A Christmas of '66 I was up here on this place; you see I moved there about the first of December, just about the time Council adjourned.

Q You moved in this neighborhood about the first of December, '66? A Yes sir.

Q Prior to that time how far did you live from this place? A About twelve miles, by going straight through and crossing the river three times.

Q But you wouldn't go that way? A Yes sir, when the river was down. Around this other way it would have been 25 or 30 miles.

Q Now from July '66 until the first of December, '66 you were in twelve miles of the Doctor Thompson place? A Now did you put your question?

Q From say about July '66 until the first of December '66 you were in twelve miles of away from the Doctor Thompson place?

Q No if I moved that fall or December that was a first time I lived there, up there in that Delaware District.

Q Well now you claim that you moved in two miles of the Doctor Thompson place in December '66? A Yes sir.

Q Well now where were you living prior to that time? A I was living below there.

Q About how many miles? A About twelve miles.

Q Then you were ~~that~~ not there in that neighborhood as a resident from July '66 until December '66 were you, during that period?

A I passed through there several times but I didn't live there of course.

Q In passing through there people could have been there and you not have known it? A Of course they might have been hid around there, but they were not publicly there.

Q You didn't go to everybody's house did you? A There wasn't but very few there to go to.

Q Did you go to all of those houses? A No.

Q This applicant might have been at some of those houses and you not have known it? A Well he wasn't to my knowledge.

Q But might he not have been there and without your knowledge?

A Of course I reckon you can make a mistake about it that he might have been there, but I didn't know it.

Q You don't know when everybody returned to the Cherokee Nation do you? A Come might near knowing when all the Freedmen returned in there in that neighborhood.

Q But you go around the neighborhood twenty-five miles away would you know? A No I don't know as I would, if he come there and keep himself hid.

Q What is your best judgment as to when you saw this applicant in the Cherokee Nation after the war? A Spring of '57, he moved there, working an old gray horse and a bay one, and I lived close to him and I think I let him have corn to plant the first crop; it after grass raised; I think the corn come down on the grass.

Q That month would you say it was? A About the last of April.

Q That was the first time you saw him after the war? A Yes sir, after the war.

Q You are not prepared to state that he was not in the Cherokee Nation before that time? A Oh no, I was not over the Nation.

Q You are not prepared to state that from July '66 to December '66 he was not in the neighborhood there somewhere? A I am prepared to say he didn't make a crop there in '66.

Q Well in the spring of '66 where were you? A I was living there on the river.

Q That was about twelve miles from the Doctor Thompson place where this man claims to have returned isn't it? A Yes sir.

Q Now you are not prepared to say that he didn't return to the Cherokee Nation in that vicinity in the spring of '66? A Yes sir, I am prepared to say I don't think anybody lived there, that there was no crop made on the Thompson place in '66; those that come there, Andy Frye, in the first settlement, didn't come until the fall of '66.

Q But now are you prepared to state positively that Jose Cardrick didn't return to the Cherokee Nation in the neighborhood of the Dr. Thompson place in the spring of '66? A Not of my personal knowledge he didn't.

Q There was a dance up there at Millie Frye's in December '66, about Christmas? A There was, a little before Christmas, I don't know as it was Millie Frye's; there was a dance in the fall at Deb Daniels' place, Arab lived there then.

Q Do you know Anderson Lynch, better known as "Crap" Lynch?

A Yes sir.

Q Was he in the Cherokee Nation in '66? A Yes sir, he was at that dance.

Q If he swore that he saw this applicant Rose Wadrick at that dance in December '66, are you prepared to say that he's not so?

A I am prepared to say he told a lie.

Q Were you there at the dance? A Yes sir.

Q Go ahead and tell me every person that was there? A I had been shaking all the summer of '66 and they promised me if I would go up there they would let me have a half a gallon of whiskey, and I went there, and I didn't come until very late in the night and I never got it and turned my horse in the field, and after I got my whiskey I couldn't catch my horse and had to stay there until after daylight.

Q What time did you get there? A About sundown.

Q Who was at that dance? A About all the colored people that lived in that neighborhood.

Q Name them? A Arch Landrum, Lewis Rowe, George Johnson was there particular, and I aint sure whether Al Lynch was there or not.

Q Who else? A Well I know Rose wasn't there.

Q Well who else was there? A Well there was several there, I don't know whether that was all; there is the prominent ones that I recollect.

Q Well some of them that's not so prominent? A I don't remember it now, that's the hard part of it.

Q Then your memory isn't clear as to who all was there? A My memory is clear that Rose wasn't there.

Q It isn't clear as to who all was there? A No sir I don't know as I could name them.

Q Crap had fiddled around at that dance some didn't he? A Yes sir he fiddled some. Him and George together.

Q What time did you go to bed that night? A I don't know as we got to bed, about the time we got a pallet down on the floor uncle Jess Cookum raised a row and went stepping around over the people, and busted up the dance, and we didn't sleep much until daylight.

Q You have been a witness in a great many cases haven't you? A Not a great many, not as near as many as I could.

BY LASTING:

Q Crap Lynch has been a witness in a great many? A I think he has; I have heard his testimony.

Q He is known to be the biggest liar up in that country aint he?

A I think if you got after a man for perjury you could get him.

BY BROWN: I ask that this be stricken from the record, for the reason that it is merely a matter of opinion of this witness and it is incompetent.

BY COMMISSIONER: Objection will be noted and testimony will be considered for what it is worth.

Q I will ask what Crap Lynch's reputation is for truth and veracity if you know it? A It aint very good.

Q Mr. Clark, you say that the country was thinly settled in '66 in December of '66? A Yes sir.

Q You know when people come in from the states, strangers, didn't you? A Oh yes; there wasn't many strangers in the country at all, very few at all moved in the country.

Q I will ask you out there on your place up to this time you don't know when people come in?

BROWN: Objection, because it is leading.

Q There is a great many come here now, I pay no attention to it, at all.

Q I will ask you if at that time you knew in those neighborhoods when people returned, say within four or five miles of where you lived? A I will answer it in this way: if it is all right, with an example: I used to go to Vinita after it was there, say along

in '80, and I knew every man that was in the place; now I go there I don't know hardly one tenth of the population, of the emigration.

Q I am taking you back in '66 and '67? A It was worse then than it is now, we knew everybody.

Q You know them then? A Yes sir.

Q You know where Jose Hardrick came or claimed he came from when he came there in the spring of '67? A Oh yes, he claimed he come from ~~the State~~ Kansas; I know when he left there and went to Kansas. I was very intimately acquainted with Jose; he belonged to George A. Purrell and I worked for

Purrell. We both drove six miles at the saw mill; I worked there before the war after my mother died.

NELSON MOORE, being sworn and examined, testified as follows:

BY ASTINUS:

Q What is your name? A Nelson Moore.

Q Are you a colored citizen of the Cherokee Nation? A Yes sir.

Q Your name on the 1880 roll? A Yes sir.

Q What is your age? A Forty-eight.

Q Where do you live? A In Delaware district.

Q What is your post-office? A Ketchum.

Q Who did you belong to before the war? A Elowie Butler and Darkey Butler, that was his wife, full-bloods.

Q Did you go out of here during the war? A Yes sir.

Q When did you come back, Welse? A Fall of '65.

Q Where did you come to? A To the first place we come to the old Doctor Thompson, Johnson Thompson place, and then from there to the Bob Daniels' place.

Q Now when did you move to the Bob Daniels place? A Right that same fall, to the Bob Daniels place.

Q In the fall of '65? A Fall of '65.

Q Where did you live in the year of '63? A We lived on the same place, Bob Daniels place.

Q How long did you live there? A We stayed there until the winter of '67.

Q You know a colored man that used to live in that neighborhood by the name of Jose Hardrick? A Yes sir.

Q Did you see Jose Hardrick in the year of '65? A No sir.

Q Did you see him in the year of '66? A No sir.

Q When, if you know, did Jose Hardrick return to the Cherokee Nation after the war? A Well the first time I saw him was in the spring of '67.

Q About what time in the spring? A Well it was along about April or May, as well as I can remember.

Q You know where he come from? A Well he said he come from Kansas. I don't know just what part.

Q You know who he come with? A Yes sir.

Q Well tell us? A Andy Frye and Uncle Tobe Schrimsher and old uncle Peter Williams and Jack Beno, he is dead now though.

Q Had Andy Frye been down here before? A No sir, not that I know of, no sir.

Q You never saw him there then until in the spring of '67? A Spring of '67 is the first time I ever saw him.

BY BROOKS:

Q Mr. Moore, you know Willie Frye? A Yes sir.

Q Do you know when Willie Frye and Andy Frye married? A No sir, I don't.

Q About when? A I don't know at all. I couldn't tell you.

Q Where they married when you came up? A I couldn't tell you that, I never saw them until after they come there.

Q You never knew her until after the war? A Not until she moved there in the fall of '65, or '66.

Q Well now you say Andy Frye returned in '67? A '66.

Q You said '67 awhile ago? A '65, if I said '67 it is a mistake.

Q '66 is when they returned; you say Jose Hardrick returned with

him? A No sir, he didn't come with Andy.

Q Didn't you state awhile ago that Andy Frye and Peter Williams and some man named Schraushner returned to the Cherokee Nation with Rose Hardrick? A No sir, if I did I don't remember that part of it, because he never come until after Andy come, in the spring of '67.

Q And is on the 1890 roll? A Yes sir.

Q Andy come in the spring of '67? A Fall of '66 I say, when Andy come it was in the Fall of '66.

Q About how many weeks was that after Andy come until Rose Hardrick returned? A Oh I couldn't say as to the number of weeks, but it was in the spring.

Q Well about how many weeks, would you think? A I don't know.

Q How many months? A Oh it would be to the best of my recollection it would be about 3 or 4 or 5 or 6 months, I wouldn't say positively because I don't know exactly.

Q How did you fix the month in which Rose Hardrick returned to the Cherokee Nation? A How did I fix it?

Q Yes sir? A I don't understand what you mean by that.

Q You said he returned in about April or May? A I said as well as I remember it was April or May; it was after grass was up.

Q You remember the grass being up? A Yes sir.

Q How does the fact that the grass was up connect with in your mind with Rose Hardrick's return? A I tell you about my recollection of it being in the spring of '67; Rose Hardrick, Andy Frye and my step-father and Arch Landrum, Uncle Ruben Downing, they all of them went to Buoy Hilderbranda in the spring of '67 to a census taker.

Q To a census taker? A Yes sir, to a census taker; that was in '67 that month was that? A That was about June or July as well as I remember.

Q They took census in '67 did they? A I reckon they did, that's what they said; they all went off; I couldn't say what they did.

Q Who returned to the Cherokee Nation with Rose Hardrick? A Old man Jeff and my uncle.

Q What is his name? A Tom Moore, and Uncle Butler Moore, as well as I remember, and I didn't know who else of them moved right on the Doctor Thompson place.

Q That was the first time your uncle Thomas Moore had been to this country wasn't it? A Yes sir.

Q Is he the Thomas Moore that lived up there now? A No, that is my brother.

Q The Thomas Moore that lives up there now he come back with his father didn't he? A He come back with me and my stepfather; that's my brother.

Q Were you a witness in this case before the Kern-Clifton Commission? A No sir.

Q Were you a witness in this case before John W. Wallace when the Wallace Roll was made? A No sir.

Q You knew the same folks then that you know now didn't you? A Yes sir.

Q In what year was the Wallace payment? A Wallace payment, it seems to me like it was in, I declare that's kinder slipped my mind, it was '94 though I think; I forget just what year that was.

Q Your best judgment is it was '94? A I don't say positively.

Q How old is your oldest child Mr. Moore? A How old is my oldest child; my oldest child is about 25 years old I think.

Q In what year was it born? A That year was she born?

Q Yes sir? A Born in '73 or '74.

Q About 25 years old now? A I think she is; she aint quite 26; she will be 26 her birthday.

Q You don't know much about dates do you, Mr. Moore? A I don't know just to come down to dates; of course I have to kind of think over the time a little but I never keep no dates.

Q After you think you don't know much more about it than do you?

11. HASTINGS: Don't answer that; I object to it; it is irrelevant and immaterial and non-sensical.

12. CO. ISSON: Objection is sustained.

BY HASTINGS:

Q Now, please, in answer to a question awhile ago from me, you stated that Andy Frye came down with Rose Hardrick in the spring of '67? Did you intend to say that? A No sir, I didn't intend to say it, Andy Frye and uncle Tobe Schrimsher and uncle Peter Williams and them come down in the spring of '36, but Rose Hardrick didn't come with them; I didn't intend to say that, because I know that wasn't so.

Q Who did you intend to say Rose Hardrick come with? A Uncle Tom and Uncle Butler and Uncle Jeff Lyons.

BY BROOKS:

Q You testified in the Ned Lyons case didn't you? A Ned Lyons?

Q Yes sir, you know Ned Lyons? A I know him, but I never did testify in it.

Q Didn't you testify in his case in which you testified to the return of old Ned Lyons? A No, I didn't.

Q You swear that positively? A Yes sir, if I did I don't know when it was.

Q Did you mention the time that Andy Frye and Peter Williams returned to the Cherokee Nation? A I was asked that.

Q In which? A Didn't you ask me that?

Q In your direct examination, when Mr. Hastings asked you who returned to the Cherokee Nation, with Rose Hardrick, why did you mention the name of Andy Frye and Peter Williams? A Because he asked me when did he come.

Q Who did you state the time of Andy Frye and Peter Williams return in answer to that question? A I was asked the question.

Q That's why you stated it? A Time they come.

Q That's the time they come; all right, that's all.

BY MR. HASTINGS:

Cherokee Nation offers in evidence a part of the record from a docket of the doubtful cases of citizens tried in the Cherokee Nation in 1871, which shows the following:

"Rose Hardrick and family, too late, decided against defendant June 8, 1871."

The same being taken from a page at the top of which appears the following:

"Delaware,

Colored Doubtful Roll."

Said book being labeled,

"Docket of Doubtful Cases, Cherokee Citizenship, tried in 1871."

On the fly leaf of said book appears the following,

"Docket of applicants Cherokee Citizenship, 1871, Honorable Chief Justice E. D. Daniel, V. S. Turner, Clerk."

BY BROOKS:

Objected to, for the reason that the page upon which it occurs has the head line "Doubtful roll, of Colored People", and for the further reason that it is incompetent and for the further reason that the Cherokee Nation has not shown that the applicant was present at the sitting.

BY CO. ISSON: Objection will be duly noted.

BY HASTINGS:

The Cherokee Nation offers in evidence the following from page 35 of Records of the Cherokee Nation entitled "Docket of the Chambers Commission on Citizenship:"

"Rose Hardrick applied 3rd July '78; set for 10 July, continued, 24 July."

A marginal note in red ink at the side of this entry is as follows:

"Decree adverse to applicant."

BY BROOKS: This is objected to on the grounds that while this record shows that the case was set for the 10th of July

and continued until the 24th of July, it does not show that this application was ever heard; and for the further reason that the Cherokee Nation has not proven that the applicant Moses Kendrick in this case ever applied to the Cherokee Court for admission to citizenship.

BY COMMISSIONER: Objection will be duly noted.

BY HASTINGS: I reckon there is no contention that these records are part of the records of the Cherokee Nation.

BY PROCTOR: Oh no.

BY COMMISSIONER: This testimony will be filed and made a part of the record in the case at bar, and the following Freedmen Doubtful cases: 201, 331, 272, 320, 321 and 192.

J.D.Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J.D. Green

Subscribed and sworn to before me this February 6th, 1902.

[Signature]

Commissioner.

(C O P Y)

Department of the Interior
Commission to the Five Civilized Tribes
Vinita, I.T. March 10, 1903.

In the matter of the application of SILAS HARDRICK, for the enrollment of himself as a Cherokee Freedman.

SILAS HARDRICK, being first duly sworn and examined, testified as follows:

Examined by the Commission:

- Q What is your name? A. Silas Hardrick
Q How old are you? A. I will be thirty-three in July coming.
Q Where do you live? A. I live here in Vinita now.
Q Now when you applied for enrollment two years ago you gave your name, did you not, as Silas Hodrick? A. Yes sir
Q Now who was your father? A. Moses Hardrick
Q Have you got a brother named Nelson Hardrick? A. Yes sir
Q All of same family? A. Yes sir
Q Your name ought to be Hardrick too? A. Yes sir
Q How do you spell it that way; how came you to spell that way Hodrick? A. Well my old father went to the census takers, and he is not educated, and they told him how to spell it, and they spelled it the wrong way.
Q Now your father and brothers and wife and children are enrolled as Hardrick? A. Yes sir, they knowed how to spell it.
Q You want to have your name corrected on our records from Hodrick to Hardrick? A. Yes sir

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause and that the foregoing is an accurate transcript of his stenographic notes thereof.

(Signed) E. C. BAGWELL

Subscribed and sworn to before me this April 14, 1903.

(S E A L)

(Signed) SAMUEL WOREMAN
Notary Public

The undersigned, being under oath, states that as stenographer to the commissioner to the Five Civilized Tribes she made the above copy and that same is a full true and correct copy of the original transcript.

Louise M. Bauman

Subscribed and sworn to before me this 21st day of March, 1903

Chas E Webster
Notary Public

COPY

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES. ANNO

In the matter of the application for the enrollment of Moses Hardrick, et al., as Cherokee freedmen, consolidating the applications of-----

Moses Hardrick	Cherokee freedmen	B-574
Silas Hardrick	Cherokee freedmen	B-536
Sarah Bean	Cherokee freedmen	B-543
Nelson Hardrick, et al.,	Cherokee freedmen	B-557
William Hardrick, et al.,	Cherokee freedmen	B-596
Eliza J. Hardrick, et al.,	Cherokee freedmen	B-631
Mary Hardrick, et al.,	Cherokee freedmen	B-579
George Irens, et al.,	Cherokee freedmen	B- 36
Bettie Mayes	Cherokee freedmen	D- 87
Richard Nere (Irens), et al.,	Cherokee freedmen	B-328
Ned Lyons	Cherokee freedmen	D-251
Rachel Landrum	Cherokee freedmen	D-252
Eliza Lyons, et al.,	Cherokee freedmen	D-253
Altha Moore, et al.,	Cherokee freedmen	D-357
George W. Lynch, et al.,	Cherokee freedmen	D-731

DECISION.

THE RECORD IN THIS CONSOLIDATED CASE SHOWS: That applications for enrollment as Cherokee Freedmen were made to the Commission to the Five Civilized Tribes by Moses Hardrick for himself; by Celia Hardrick for her husband Silas Hardrick; by Lewis Bean for his wife, Sarah Bean; by Mary Hardrick for her husband, Nelson Hardrick, and his minor children, Malinda and LeRoy Hardrick; by William Hardrick for himself and minor children, Mabel and Leona Hardrick; by Eliza J. Hardrick for herself and minor children, Arthur, Ethel, Mattie and Claud Lynch; by Mary Hardrick for herself and minor children Ames, and Jackson Louien; by Jennama Irens for her husband, George Irens, and his children Bettie and Bettie Irens and grand child, Minerva Nivens; by Bettie Mayes for herself; by Emmet Starr for Richard and Nellie Nere (or Irens); by Ned Lyons for himself; by Rachel Landrum for herself; by Eliza Lyons for himself and minor child Nelson J. Lyons; by Altha Moore for himself and brother, Oscar Moore and by George W. Lynch for himself and minor children Rosetta and Eliza Lynch.

The record further shows that on April 20, 1904, and April 18, 1905, the Commission to the Five Civilized Tribes rendered its decision herein denying the above named applicants the right to enrollment as Cherokee Freedmen, that said decisions were duly forwarded to the Department for consideration, and that the former decision was affirmed by the Department on October 13, 1904 (I.T.D. 6968-1904); and that thereafter, to-wit, on April 5, 1906 (I.T.D. 5398-1906) and May 11, 1906 (I.T.D. 4667-1906) respectively; on motions of the applicants the Department rescinded its decision of October 13, 1904, and remanded the records in this now consolidated case for further testimony and readjudication. Further proceedings in the matter of said applications were had at Muskogee, Indian Territory on June 21, 22 and 23, 1906.

The record in this consolidated case shows that the above named applicants neither claim nor possess any rights to Cherokee freedmen citizenship other than as below indicated, to-wit: Moses, Eliza J. and Mary Hardrick, George Irons, Bettie Mayes and George W. Lynch by virtue of having complied with certain provisions of the Treaty of 1866; Silas Hardrick, Sarah Benn, Nelson and William Hardrick as descendants of the said Moses Hardrick and his former wife one Patient or Patience Hardrick, now deceased, Malinda and LeRoy Hardrick as descendants of the applicant Nelson Hardrick and his former wife one Minnie Hardrick, deceased; Mable and Leona Hardrick as descendants of the applicant William Hardrick; Arthur, Mattie and Claud Lynch as descendants of the applicant Eliza J. Hardrick and one Charlie Lynch and Ethel Lynch as a descendant of the said applicant Eliza J. Hardrick and one John Ross, deceased; Amos and Jackson Lonien as descendants of the applicant Mary Hardrick and one Mose Lonien; Bertha and Bettie Irons as descendants of the applicant, George Irons and one Winnie Irons nee Lyons, deceased; Elvera Nivens as the descendant of Bertha Irons and Harrison Nivens; Ned Lyons, Rachel Landrum and Eliza Lyons as descendants of Jeffers and Mahala Lyons, both deceased; Nelson J. Lyons as the descendant of the applicant of Elias Pyens, Altha and Oscar Moore as the descendants of one Mike Moore, deceased; and Rosetta and Eliza Lynch as the descendants of the applicant George W. Lynch.

A reexamination of the records in this now consolidated case made prior to the rendition of the decision heretofore referred to, convinces this office that the findings therein are eminently correct. Hence, if said decisions are to be reversed it must be upon the evidence submitted since said records were returned to this office for readjudication.

Since this case was remanded twenty-two witnesses have been introduced by the parties hereto, all of whom testified from unaided memory alone to events that necessarily must have happened thirty-eight or forty years before. A For reasons most obvious such testimony can give but little aid in determining whether or not material facts at issue herein occurred on or prior to February 11, 1867, or subsequent thereto.

For reasons below stated this office is of the opinion that the respective rights of the parties hereto can be properly adjudicated without attempting to reconcile the conflicting statements of the many witnesses introduced herein or determine which array of witnesses is entitled to the greater credit.

Subsequent to the rendition of the latter of the two decisions herein before referred to there came into the possession of this office a roll of the Cherokee people made from a census taken in 1867.

This roll was made under authority of Section 12, Treaty of 1866, for the purpose of ascertaining the number of Cherokee citizens in order that the representation of the Cherokee Nation in the General Council provided for by said Treaty might be properly apportioned.

Section 12 of said Treaty reads in part as follows:

"After the ratification of this Treaty, and as soon as may be deemed practicable by the Secretary of the Interior, and prior to the first session of said council, a census or enumeration of each tribe lawfully resident in said (Indian) Territory shall be taken under the direction of the Commissioner of Indian Affairs, who, for that purpose, is hereby authorized to designate and appoint competent persons, whose compensation shall be fixed by the Secretary of the Interior and paid by the United States."

Under authority of this provision the Commissioner of Indian Affairs appointed one W. Tompkins to take the census of the Cherokee Tribe. In taking this census Mr. Tompkins followed the political divisions of the Cherokee Nation. The roll made from this census is contained in four substantial well preserved volumes, the names of the Cherokee citizens, at that time, appearing in their respective districts, said districts being divided in four volumes, as follows, to-wit:

Going Snake and Delaware Districts	Volume 1,
Tahlequah and Saline Districts	Volume 2,
Canadian and Delaware Districts	Volume 3,
Flint, Sequoyah and Koo-wees-koo-wee Districts,	Volume 4.

The citizens of the Cherokee Nation were classified by the census taker under four heads, namely: Indians, Whites, Halfbreeds and Colored. In his recapitulation of the census taken Mr. Tompkins found there were 13566 Cherokee citizens residing in their nation divided under the foregoing heads, as follows: Indians 9588, Whites, 47, Halfbreeds 2650, and Colored 1281.

The certificate of the census taker is found on the last page of volume four and reads as follows, to-wit:

"I certify that the foregoing is a true and correct census or enumeration of the Cherokee Indians residing in their Nation:-- taken in obedience to your appointment per telegram dated June 10, 1867, and instructions dated July 1, 1867, and in accordance with

the provisions of Article 12th, Section 1st of a Treaty made with the Cherokee Nation dated July 19, 1866.

W. Tompkins,
Special U. S. Commissioner to take census of Cherokee Indians."

This roll is considered reliable for the reason that the census from which it was made was taken by disinterested parties and for a purpose that makes it highly improbable that any reason existed for placing on said roll the name of any person not entitled, or excluding therefrom the name of any person not entitled to citizenship in the Cherokee Nation. The question as to whether or not those claiming under Article 9 of the Treaty of 1866 had complied with the provisions thereof was, at that time, easily determined, especially so as to the date of return, inasmuch as this census was taken only a few months after the time limited by said Article 9 of the Treaty for the return of Cherokee freedmen, had expired.

An examination of the roll fails to show the names of any of the above named applicants, or of any of the aforementioned deceased ancestors, enumerated thereon.

In connection with the taking of the census above referred to attention is invited to page 9 of the record herein, wherein will be found the following questions and answers, to-wit:

- "Q How does the fact that the grass was up connect with in your mind, with Mose Hardrick's return? A I tell you about my recollection of it being in the spring of '67; Mose Hardrick, Andy Fry and my stepfather and Arch Landrum, uncle Ruben Downing, they all of them went to Lucy Hilderbrands in the spring of '67 to a census taker.
- Q To a census taker? A Yes sir to a census taker; that was in '67.
- Q What month was that? A That was about June or July as well as I remember.
- Q They took census in '67 did they? A I reckon they did that's what they said; they all went off I couldn't say what they did."

Of the persons named by this witness only one, Arch Landrum, can be identified on the roll of 1867. The Testimony of this witness is considered as evidence practically conclusive that the applicant, Moses Hardrick, was not overlooked by the census taker in 1867. Hence, the failure of his name to appear upon said roll must be due to the fact that in 1867 it was considered that he was not a citizen of the Cherokee Nation.

The Daniels Court in 1871, found that the applicant, Moses Hardrick and his family, and the said Jefferson Lyons, deceased, and his family, returned to the Cherokee Nation too late to entitle them to citizenship under the Treaty of 1866. This Court also found that Thomas Moore and family, whom it is alleged returned with the Hardrick and Lyons families, came too late. In the case of Butler McNair, however, who, it is testified, was also a member of this Company, it is found that he returned within the time provided by said Treaty.

The Chambers Court in an opinion rendered on August 9, 1878 held that the applicant, Moses Hardrick (Hardwicke) did not return to the Cherokee Nation after the rebellion within the time limited by the provisions of Article 9 of the Treaty of 1866. A Certified copy of said opinion is made a part of the record herein (331-332).

On June 24, 1904, there was filed with this office an affidavit showing the death of the applicant, Malinda Hardrick, on July 31, 1902.

Excepting the Wallace & Kern-Clifton rolls, none of the applicants herein, nor any ancestors through whom by any possibility they might obtain rights to Cherokee freedman citizenship can be identified on any Cherokee roll in the custody of this office.

FINDINGS AND FACT CONCLUSION: It is considered that the evidence in this case shows that neither the applicants, Moses, Eliza J. and Mary Hardrick, George Irons, Bettie Mayes and George W. Lynch, nor the deceased ancestors hereinbefore named, returned to the Cherokee Nation after the rebellion within the time specified in the decree of the Court of Claims rendered on February 3, 1896, in the case of Moses Whitmire, Trustee, etc. vs the Cherokee Nation, et al., for the return of freedmen to said Nation; and that all the applicants herein except those last above named, were born since the close of the rebellion and obtained no rights to Cherokee Freedmen citizenship through their ancestors.

IT IS, THEREFORE, ORDERED AND ADJUDGED: That for the additional reasons set out herein the former decisions of the Commission to the Five Civilized Tribes in this case should be affirmed, and that under the provisions of Section 21 of the Act of Congress approved June 28, 1898 (30 Stats., 495), and Section 3 of the Act of Congress approved April 26, 1906 (34 Stats., 137), Moses Hardrick, Silas Hardrick, Sarah Bean; Nelson Hardrick; ~~Eliza~~ Hardrick; Eliza J. Hardrick, Arthur Lynch; Ethel Lynch; Mattie Lynch; Claud Lynch; Mary Hardrick; Amos Lenien; Jackson Lenien, George Irons; Bertha Irons; Bettie Irons; Elvora Wivens; Bettie Mayes; Richard Nero; Mollie Nero; Ned Lyons; Rachel Landrum; Elias Lyons; Nelson J. Lyons, Altha Moore; Oscar Moore; George W. Lynch; Rosetta Lynch and Eliza Lynch are not entitled to enrollment as Cherokee freedmen, and their applications for enrollment as such are accordingly denied. And that under the provisions of Section 25 of the Act of Congress (Cherokee Agreement) approved July 1, 1902 (32 Stats., 716), the application for the enrollment of Malinda Hardrick should be, and the same is hereby dismissed.

(Signed) Tams Bixby,

Commissioner

Dated at Muskogee, Indian Territory,

This, FEB 13 1907

Cherokee freedmen R 541, 544, 546, 550
and 55.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
MUNDOGEE, I. T., MAY 26, 1906.

SUPPLEMENTAL PROCEEDINGS had in the matter of the application
for the enrollment of THOMAS MAXFIELD, ET AL., as Cherokee freedmen.

APPEARANCES:

For Applicants, Starr & Patten.

For Cherokee Nation, J. S. Ravenport and L. B. Bell.

BY MR. MAXFIELD:

The representatives of the Cherokee nation desire to introduce the entry in the book of assessment for 1866, which refers to Warren Adams, and ask that it be read and copied in the record, so that the book may be returned.

BY MR. PATTEN:

Attorneys for applicant object to this, upon the same ground as previously stated in the other objections in the same record.

On behalf of Commissioners:

The request of the attorneys for the nation will be granted and the evidence considered for what it is worth.

Pursuant to the above, the following was read into the record from the book above referred to:

No. of Statement.	Name	No. of Horses	Value	No. of Cattle
5	Adams, Warren	3	60	2
Value	No. of Hogs	Average value of all	Average per. Property	
12	1	Value 3	19	
Total	Deduct Constitutional exemption		Remarks.	
98	200		(Ditto) "Country"	

Q Has that entry been changed any, Mr. Ernest, since you turned it in to the Country Clerk? A No, sir.

Q I wish you would examine the book which you have before you, and see if you find any assessment in 1866 of Nathan Buffin? A Yes, sir.

Geo. H. Hawley, being first duly sworn, states that as stenographer to the Commissioner to the Five Civilized Tribes, he made the above and foregoing copy, and that the above and foregoing is an exact copy of the record of proceedings had on May 24 and 25, 1906, in the matter of the application for the enrollment, as Cherokee freedmen, of Thomas Hayfield, et al., and that the same is a true and correct copy of that part of the original record of proceedings.

Geo. H. Hawley

Subscribed and sworn to before me this 1st day of September, 1906.

Chas E. Keeton
Notary Public

Cherokee Freedmen R 874-836-843-
887-899-921-979.
Cherokee Freedmen R 34-D 87-1322-
261-262-263-357-721.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I. T., JUNE 21, 1906.

SUPPLEMENTAL PROCEEDINGS had in the matter of the consolidated applications for the enrollment of MOSES HARDRICK, ET AL., P. R. 574 et al., and GEORGE IRONS, ET AL., P. R. 36 et al.

APPEARANCES:

For Applicants, Starr & Patton.

For Cherokee Nation, W. W. Hastings and J. S. Davenport.

The records of this office show that on April 3, 1906, the Cherokee Freedmen enrollment cases of Moses Hardrick, et al., were remanded to this office for rehearing and readjudication; that on May 11, 1906, the Cherokee Freedmen enrollment cases of George Irons, et al., were remanded to this office for rehearing and readjudication; that on May 24, 1906, the applicants, their attorneys, and the Attorneys for the Cherokee Nation were notified that these cases would be set for hearing on this date at which time the following proceedings were had, which proceedings are made a part of the record in each of the above cases.

Testimony taken on behalf of applicants.

J. H. WALTERS, being first duly sworn, testified as follows:

BY MR. PATTON:

- Q State your name? A J. H. Walters.
- Q Where do you live? A At Iola, Kansas.
- Q How long have you lived there? A Since the 19th of July, 1861.
- Q What is your age? A 62 the 5th day of last March.
- Q Were you a soldier in the Civil War? A I was.
- Q When were you mustered out of service? A The 19th of September, 1865.
- Q Where were you living in the year 1865? A I was living one mile north of Iola.
- Q Were you acquainted with a colored man in that neighborhood by the name of Moses Hardrick? A Yes sir, I was.
- Q Where did he live at that time? A The time that I knew him he lived one mile due west of where I lived on the bank of the Neosho River.
- Q Did he ever work for you or anything that would make you better acquainted with him? A Yes sir, he cut some 80 or 60 cord of cord wood for me in the early part of 1866.
- Q When was the last time that you remember of seeing him in that neighborhood up there? A I don't have any recollection of him after that, probably in March.
- Q Do you know whether or not it was a general presumption in the neighborhood that he had left?

Mr. Hastings: Objected to as being clearly inadmissible because this witness can only testify of his own personal knowledge.

On behalf of the Commissioner: The objection will be noted.

- A No I cannot say that I heard that he had left there. A I didn't see him and that is all I know about it.
Q Didn't see him after that time? A No sir.
Q Have you lived in that neighborhood ever since? A Yes sir.
Q Have you seen him in that community since? A No sir, not until I met him here today.
Q Do you know of there being a house built in that neighborhood known as the Dan Herville house a good many years ago? A Yes sir.
Q Do you remember when that house was built? A In the spring of 1866. It was about a half mile from my residence and I quarried the rock for the foundation and cellar.

BY MR. HASTINGS:

- Q Now this has been 40 years ago and all you want to be understood testifying about is that after this man cut wood for you that you don't know what became of him after you think you saw him about March, 1866? A I lost sight of him.
Q Never made any inquiry and had no occasion? A No sir.
Q And don't know what became of him? A No sir.
Q Now there were a great number of people that you perhaps knew 40 years ago that you don't know what became of them. Some went to one place and some others, and others may have remained there?
A Yes sir, I think that might have been the case.

W I T N E S S E X C U S E D .

FELIX LORANCE, being first duly sworn, testified as follows:

BY MR. PATTEN:

- Q State your name? A Felix Lorange.
Q Where do you live? A I live in Elk County, Kansas.
Q How old are you? A I am 88 years old last 31st day of April.
Q Were you ever in the army? A No sir, I wasn't in the army.
Q Where were you living in the year 1865? A Well in the spring of 1865 I was at my father's farm in Allen County, Kansas, in the spring, and I left there. Up until that time I had lived with my father on that farm 1867 until then. Then in the spring of 1865 I left and I went on the second day of April, 1865, I was sworn into the army, but failed to be mustered in. Then I taken a team and went on the plains and drove a six mule team in the spring of 1865. I stayed there until June, 1866, when I come back to my father's place.
Q Did you know about that time a man colored man by the name of Moses Hardrick? A Yes sir.
Q Did you know Jeff Lyons? A I knew a darkey called Jeff, for instance we called a negro named Jeff, we called him "Nigger Jeff."
Q Did you know one named "Nigger Butler"? A Yes sir.
Q And one named "Nigger Tom" or Tom Moore? A I knew Tom, but not his other name.
Q Do you remember where Moses Hardrick lived in the year 1866? A Yes sir, he lived on my father's farm in Allen County, Kansas, in the spring of the year, he left there in the fall of 1866.
Q Is this Moses Hardrick the same as the applicant in this case?
A This man right here.

- Q You could identify him could you? A After I looked at him awhile, when he was there he wasn't lame or crippled up.
- Q Were you acquainted with him at that time? A Yes sir, he worked there on my father's farm, I think it was in the latter part of 1862 he come there, and '62, '63, '64, and up until the spring of '65 he worked there with me a good part of the time. I would say pretty near half of the time he worked for my father.
- Q Did he work there in the fall of 1866? A The first part of it.
- Q Where did Jeff Lyons live? A I don't know
- Q Do you remember how long Wese Hardrick remained up there in that neighborhood? A He come there if I am not mistaken in the latter part of 1862 and left in the fall of 1866. That is he was there when I went on the plains and was there in the same cabin when I come back and he left in the fall of 1866.
- Q During that time where did he live, what kind of a house? A A log house a biggest part of the time.
- Q What did he live in the rest of the time? A In a tent or wagon sheet, made for a tent, the first part.
- Q Do you know about the time that he left that neighborhood in Kansas? A Yes sir, it was in the fall. It was in the fall, from October up, until sometime, it might have been as late as November.
- Q In what year was it? A 1866.
- Q Do you know when he left that neighborhood in Kansas, whether he took his effects with him? A Took all he had, didn't leave anything there on the farm.
- Q Do you know where he lived after, or where he started to? A He said he was going to the Nation, I never followed him to see, and that is the way he talked all the time to us.
- Q Do you remember when Dan Herville's house was built? A Well I was there, but I don't remember any anything about the dates at all. I didn't work on it any when it was built.
- Q You remember what year it was built? A No sir, I couldn't tell you. I was right close there, but I don't remember when it was built.
- Q Did you ever see Hardrick in that neighborhood up there after the time you say he left? A No sir.
- Q Have you lived in that immediate vicinity ever since? A No sir, I lived in Elk County.
- Q How long did you continue to live there after that time? A I left there the 18th day of February, I taken a claim in Elk County and probably the first part of February I left there in 1866.
- Q How do you fix that it was in 1866 that they left up there, rather than 1865 or '64? A Well now my brothers come home out of the army in the spring of 1865, after they come home then I went and I made an effort to get in the army, I was sworn in on about the first or second day of April, and I failed to get in, and then I went on the plains and I stayed out west until June, 1866. The spring after my brothers come home out of the war I went in to be a brave bad seldier and I tried to get in.
- Q When did you return? A June, 1866.
- Q Was it that same year or different years these parties left?
- A That same year.
- Q Was that the way you remember it? A Yes sir, that is the way. When I come back he left, I farmed the place he left, I farmed it in 1867 and he farmed it in 1866. He put it in corn in 1866 and the next year I farmed that ground.
- Q The following year you farmed that ground? A Yes sir.
- Q When was that? A 1867.

BY "R. HASTINGS:

- Q When were you married? A The first time in 1870.
- Q You were not married then? A No sir, I was just 18 years old. I was born in 1848.
- Q All you know is that you never saw that fellow after the fall of 1866? A No sir, I never saw him and never heard tell of him until this case. He said he was coming to the Nation and live.
- Q You mentioned a man named Jeff and Butler and "Wigger Tom"? A Yes sir.
- Q Did they leave and come with him? A I never saw them afterwards.
- Q I asked did they leave? A I don't know, there was a bunch left at the same time? Mose left.
- Q You didn't have any knowledge about Jeff? you don't know where he lived? A No sir.
- Q Are you prepared to say he come off with Mose? A I don't know, there was a bunch left there.
- Q Are you prepared to say where Butler lived? A No sir, I don't know whether he lived with Mose or not.
- Q How about this man Tom? A I don't know anything about him.
- Q Did you ever see either of them after Mose left? A No sir.
- Q Are you certain of that? A Pretty so, I never saw one that I remember of.
- Q Have you ever had occasion to have your memory refreshed of these affairs for these 40 years? A Not until this come up.
- Q Who directed your attention to it? A I don't know what the man's name was, he was a dark complexioned, heavy set man. I forget his name, he told me but I forget it.
- Q How long ago was it? A A couple of months, I expect since I saw him.
- Q Did you know Mose's wife's name? A I think her name was Patience.
- Q Did he have any children up there? A 3 or 4 there, little bit of fellows. Big enough to run around like that.
- Q Do you know how old the oldest one was when he left? A I don't know, I would not be positive but there was 3 or 4.
- Q Do you know of the youngest one? A No sir.
- Q Do you know whether they were boys or girls? A I don't know that, he had a small family there? He lived in their own house and we lived in ours.
- Q You never made any record of the date they left? A Nothing only memory from the time I come off of the plains.
- Q You don't know of him coming to the Cherokee Nation? A Never saw him from the time he left there.
- Q You don't know whether he come on this side or not? A We might have went to St. Louis and might have not for all I know, he left father's place. I have never seen him until here.
- Q Did Mose ever live on that Eastwood place west of the Neesho River? A I don't remember.
- Q Did he ever live on that Horville place? A I don't think he did, but I don't remember.
- Q Did you ever see this fellow Jeff's wife? A I don't think I did, if I did I don't remember her.
- Q Did he have any children? A I don't know whether he did or not.
- Q Did you ever see Butler McNair's wife? A I don't think I did.
- Q Did he have any children? A I don't know.
- Q Did you ever see Tom's wife? A I don't think I did, if I did I don't remember it.
- Q When were you told what Mose's wife name was? A No sir, she used to be my mother's wash woman, and they called her Patience and us kids would kind of make a little game of it.
- Q If she did your washing you don't remember the children's names? A No sir.

- 5-
- Q You don't know how many there were? A No sir.
- Q Do you know whether they were boys or girls? A I think the older ones were boys but I am not positive.
- Q How long did your father live, is he dead now? A He has been dead about 20 years.
- Q Was he living in 1872? A Yes sir.
- Q In 1876? A Yes sir.
- Q Who was living on your father's place in 1872? A He was there.
- Q Your father? A Yes sir.
- Q Did they have any tenants on the place that year? A I don't think they did. I don't remember whether they had any. I wasn't at home in 1872.
- Q Did you ever go back there at all. A I come back to see father occasionally but didn't pay any attention to the tenants. I had a brother-in-law that stayed there some.
- Q You don't know who was there,--what of those years between then or who attended your father's farm? A I don't remember, some years there were tenants there but I don't remember.
- Q Did you have a farm during those years, 1872 to 1876? A Yes sir, I had one all the time from 1866.
- Q Who cultivated your farm? A I did myself, and sometimes had hired men.
- Q Who worked for you at that time? A I don't remember.
- Q It is mighty hard to remember these things? A Yes, unless you have got something to go by.
- Q You would not undertake to remember it? A No sir. I don't suppose I would remember Mose unless it was by my brothers coming out of the army and my going on the plains, and coming back.
- Q Suppose he says he came in the spring, would he know any more about it than you? A My recollection is he came after the corn was shocked up.
- Q If he came in the spring, it was 1866, because you know he was there in the fall of 1866? A Yes sir.
- Q You don't know when he got here? A No sir, I don't know whether he ever got here until this time.

W I T N E S S E X C U S E D .

JAMES L. CHRISTY, being first duly sworn, testified as follows;

BY MR. PATTEN:

- Q State your name? A James L. Christy.
- Q Where do you live? A In Allen County, Kansas.
- Q Is that near Iola? A Yes sir, I live 11 1/4 miles northwest of Iola now.
- Q Were you enlisted as a soldier during the Civil War? A Yes sir.
- Q When were you mustered out? A August 16, 1864.
- Q Where were you living in 1866? A Two miles north of Iola.
- Q At that time were you or were you not well acquainted in that neighborhood? A Yes sir, I think I knew everything in the County.
- Q Did you at that time ever know a colored man named Mose Hardrick? A Yes sir.
- Q Did you ever know a colored man named Jeff Lyons? A Yes sir.
- Q Did you know Butler McNair? A Yes sir.
- Q Tom Moore? A Yes sir.
- Q Do you know where these people that I have just mentioned were living in the year 1866? A If I remember right Butler McNair was living on the south side of Deer Creek about three miles and a half I judge north and a little east of Iola on a widow woman's place named Pace.
- Q Where was Mose Hardrick living? A On a man's place named Lerance.

- Q How far was that from where you lived? A About a mile and a half.
- Q Did you see these people frequently? A Yes sir, with them every week.
- Q Do you know how long Nose Hardrick continued to remain in that community? A Why I don't know the exact date he left there, I got acquainted with Nose in 1865.
- Q How did you get acquainted with him in 1865? A He worked some for my father, I was at home living with my father and my father hired a good deal of help, had quite a farm there and Nose Hardrick would work for him, sometimes I think all three of these colored fellows, but Jeff Lyons, and in thrashing they would help thrash, and I got acquainted with them that way.
- Q When did they leave that community up there? A To the best of my knowledge sometime in October.
- Q What year? A 1866.
- Q Do you know where they started when they left there? A It was my understanding they were coming to the Nation.
- Q Did they take their effects with them when they left, moved completely out? A I don't know, I know they rigged up in wagons, and whether they took all I don't know.
- Q Did you continue to live in that community for a considerable length of time after that? A Yes sir.
- Q How long did you live in that community continuously after that? A I guess I lived right there for 10 years.
- Q Did you ever see these people after that time you say they left? A No sir, I never did.
- Q What time of the year do you think it was they left? A I think it was along sometime in October, I don't know just what time, but it was sometime in the early fall of 1866.
- Q Did you ever see them there after that time? A No sir.
- Q How do you place it or remember that it was in 1866 rather than 1865 or '67? A Well a man by the name of Cornell ran a thrashing machine a good bit in our settlement and the neighbors would help one another, and I had some wheat in that year myself on my father's place, the first year I put out any wheat, and some with the thrashing machine we wanted Nose Hardrick and some of these colored fellows to help us thrash and they said they couldn't do it because they were fixing to move, and that was sometime the last of September or first of October.
- Q Did they say where they were going? A My understanding was to the Nation.

BY MR. HASTINGS:

- Q You think that was in October? A Yes sir, and there was another circumstance made me tell that. In that winter before, January and February 1866, I hunted a good deal and I killed 13 deer and I took the hides off and put them away and kept them trying to get somebody to tan them and Tom Moore was at my house one day and saw these skins and said he would tan them for me.
- Q Was that in January or February, 1866? No sir, it was in August.
- Q Why couldn't that have been in August, 1867? A Because I wasn't right at that place in August, 1867.
- Q Where were you in August, 1867? A I was about a mile east of there. I got married in 1867 and I moved east of there.
- Q What time in 1867 did you get married? A November, 1867.
- Q Then you were not married in August, 1867? A No sir.
- Q And you were not married in October, 1867? A No sir.
- Q Were you on your father's place? A I was on my father's place part of the time.
- Q How old did you say you were? A I didn't state but I will be 36 the 18th day of July.

- Q You lived at your father's place after the war up until you were married in November, 1866? A That was my home, I wasn't there all the time.
- Q That was your head-quarters? A Yes sir.
- Q Now you of course don't know where these parties went? A No sir.
- Q You never saw them any more until you saw them down here? A Never seen them until I saw Mose Hardrick here today.
- Q I believe you have mentioned Jeff Lyons, Butler McNair and Tom Moore in connection with Mose Hardrick? A Yes sir.
- Q You state they all left together? A That was my understanding.
- Q You are as positive about one as the other? A Yes sir.
- Q What was Butler McNair wife's name? A I think it was Betsey.
- Q Did they have any children? A I don't think they did.
- Q What was Jeff Lyon's wife's name? A I don't know.
- Q Did they have any children? A I don't know.
- Q Were you ever at his house? A No sir, I don't know as I was at his house.
- Q Then you didn't see him when he was leading his wagon? A No sir.
- Q And you didn't see Butler McNair? A He had his wagon loaded.
- Q And that was in October, 1866? A Yes sir, my understanding was they were all coming together.
- Q You don't know that? A I am not positive as to the date but I am pretty sure they all left together.
- Q You are not positive as to the date but you are positive as to them leaving all together? A Yes sir.
- Q You didn't know Tom Moore's wife? A I have seen her.
- Q You don't know her name? A No sir.
- Q Do you know what place he lived? A ON Coover's place at Carlile.
- Q You don't know whether Tom had any children or not? A It seems to me that he had some children, but I would not say positive.
- Q Well now did your father raise any wheat in 1867? A Yes sir.
- Q Did he raise some in 1865? A We tried to raise some in 1865 but I think that was the year the grass hoppers come and cleaned it out, and then in the fall of 1865 I sowed some wheat and that did pretty well.
- Q Did you raise some in 1868? A Yes sir, I think we did.
- Q Did you raise any in 1869? A I think may be we did. We generally sowed wheat every year.
- Q Well did you? A We sowed every year.
- Q I mean did you have it sown on your place? A No sir, not on my place.
- Q Did you have a place in 1869? A No sir, not myself, the place I was on belonged to my father.
- Q Did he have some wheat in 1869? A I think he did.
- Q Do you know who thrashed that wheat for him in 1869? A Yes sir, I can tell you who runed that thrashing machine over that way.
- Q The same man? A No sir.
- Q Well who did? A Old John Corneel done our thrashing from 1861 up until about 1869 or '70. And then Lew Osborne and Nate wisdom thrashed in there for 21 years.
- Q Do you know whether it was 1869 or '70? A I think it was 1869.
- Q Are you positive about that? A Yes sir, I am pretty positive.
- Q What time in 1869? A I think it was in the fall.
- Q You were not down at Mose Hardrick's when he left? A No sir, but I was there several times and heard of his leaving.
- Q You heard of his leaving? A Yes sir.
- Q Didn't see him leave? A No sir, didn't see any of them leave.
- Q In other words they just dropped out of your mind but you didn't see them going? A Yes sir, they told me they were going and I sold Tom Moore a span of penies to come with just a few days before they left.

- Q But you don't know whether he and Mose came together, didn't see them start? A Didn't see them start, no sir, but my understanding was that they all were to get together, to be at Humboldt.
- Q What has refreshed your memory recently, it has been 40 years since then? A Well I don't know that but when this case come up---
- Q You talked with the other witnesses when you come down? A Yes sir, I talked with those witnesses as I come down.
- Q And have you talked with Mose Hardrick? A Yes sir, I talked with Mose Hardrick.
- Q What other of those people have you talked with? A I don't know, I don't know any of them but Mose.
- Q Talk with Mr. Starr? A Yes sir.
- Q When? A This morning the first time I ever seen him.
- Q Who did you talk with up in Kansas and who got you to come here? A Well the man I talked to up in Kansas was Parrymore.
- Q Is he down here? A No sir, I seen him at Iola. I can tell you just how it come up---
- Q I asked you who you talked to? A Well I talked to Parrymore about it and told him what I knowed about it.
- Q And the rest of you witnesses talked it over coming down here? A We didn't talk it over. Only two come with me.
- Q Who? A A man named Kerse and a man named Byrd.
- Q Do you know any of the hands that helped you thrash in 1867? A Yes sir, I can tell you some of the hands, one of them was here today and some of them are dead.
- Q Who was that? A John Walter.
- Q Who helped you in 1868? A Why John Walter I guess.
- Q Are you positive about that? A Well we always changed work.
- Q You had been in the habit of changing work are you positive you changed that time? A Well I don't know for sure.
- Q You know Mose Hardrick didn't leave in the spring but was there as late as October of 1866? A Yes sir.
- Q If he testified he come in the spring he didn't come in the spring of 1866, it was some spring after that time, because he was up there at your place in the spring of 1866? A Why he was up there until the fall of 1866.
- Q If he testified he come in the spring, it was some spring after that? A He was mistaken, not that spring.

BY MR. PATTER:

- Q At the time these parties left that neighborhood in Kansas were you married or single? A I was single.
- Q This Mose Hardrick you speak of is he the same person who is the applicant in this case? A Yes sir.
- Q You spoke on your cross-examination something about some one tanning some deer hides for you? A That was Tom Moore.
- Q Did that instance help to refresh your memory? A Yes sir.
- Q In what way? A In the year that he tanned them. I knew what year it was.
- Q How do you happen to recall that instance of him tanning those hides for you? AA Well after he got them tanned he took them all away and I never got but one little hide.
- Q Did he take them all away? A Yes sir.
- Q You remember you lost your hides? A Yes sir.
- Q Do you or do you not positively remember that it was in 1866 that these people left? A Yes sir.
- Q You spoke on your cross-examination of selling some ponies to Tom Moore, do you remember whether or not you sold them to him for any purpose or how he come to buy them from you? A Well I didn't have any need for them, I was making a pretty good thing out of them and he wanted a couple of ponies and I sold them to him.

Q Do you know what he bought them for?

Mr. Hastings: I object to that because Moore is not a party to this case.

On Behalf of the Commissioner: The objection will be noted.

A I don't know what he bought them for.

Q Are you testifying from facts yourself or what people told you to say? A I am testifying from what I know and from not what nobody told me.

BY MR. HASTINGS:

Q Was it the next year after the grass hoppers were bad in Kansas that you speak of Hose Hardrick helped you thrashed? A Yes sir, it was in 1865 that the grass hoppers come and hurt our wheat. We sowed wheat in the fall of 1865,-- no it was in 1864 the grass hoppers come and destroyed the wheat, the same year I got out of the army and in the fall of 1864 we sowed again and in 1865 there was some grass hoppers there, damaged the wheat early in the spring.

Q And it was the next year after they damaged it the grass hoppers were bad up there that Hose left? A The last grass hoppers were there in the spring along--

Q I am asking you the relative times, whether it was the next year afterwards? A Yes sir, the next the year afterwards. The grass hoppers left in the spring and it was the next fall afterwards.

Q Don't you know the grass hoppers were bad there in the fall, or in the year of 1866? A No sir, not bad in 1866.

Q Didn't hurt your crop in 1866? A No sir, it was in 1865.

Q But any how it was the next year after the grass hoppers were there? A Yes sir.

BY MR. PATTEN:

Q Do you remember when the Dan Horville house was built? A Yes sir.

Q What year was it built in? A In the spring of 1866 they commenced it.

Q Are you pretty positive that it was in the fall and not in the spring of 1866 that these people left? A Yes sir, I am pretty sure it was sometime in the fall. I am not positive as to the exact date but I am pretty sure it was in the fall.

BY MR. HASTINGS:

Q How far from Iola was the Dan Horville house? A It is a mile and a half from the center of the square.

Q Now a mile and a half south from the center of the square, who lives there? A Davis Parsons.

Q When did they build a house down there? A Well sir I think Davis Parsons built a house there in 1857.

Q Now say east of there a mile and a half, who built a house out there? A Wasn't any there.

Q Now out in that neighborhood? A Wasn't any settlement up there them days.

Q When was the first house built there? A Old Lyman Rowe built the first house east of there.

Q When was that? A In the fall of 1869.

Q What I am trying to get at there was nothing to impress it on your mind of anybody building a house around there? A Well yes I know, there was a lot of houses built around there.

Q You mean to sit up here and tell when those houses were built without anything to fix it on your memory? A I am the oldest settler in that country.

- Q Now are you willing to testify independently without anything to fix it definitely upon your mind about when these houses were built there? A Well not all of them but the first ones I know, who built them and where they were built.
- Q There is nothing to attach your memory or impress it upon your memory? A No sir, not all over the country.
- Q Why then was the Dan Herville house? A He built the finest house in the country.
- Q Well aint there lots of fine house around in that country.
- A Yes sir, there is now, but he built the first.
- Q You never made any record of when the house was built? A No sir, nothing only just in my mind.

W I T N E S S E X C U S E D .

J. C. THOMAS, being first duly sworn, testified as follows:

BY MR. STARR:

- Q What is your name? A J. C. Thomas.
- Q What is your age? A 64.
- Q What is your post office? A Iola.
- Q Kansas? A Yes sir.
- Q How long have you lived in or around Iola, Kansas? A Ever since 1864.
- Q Where were you living in the spring of 1865? A I lived at Iola, near there, right in a half mile of the town.
- Q What direction from town? A West of town at the mill.
- Q Were you acquainted at that time with a colored man named Jeff Lyon? A I didn't know him by that name.
- Q By what name did you know him? A By Jeff.
- Q Did you know his wife? A Yes sir.
- Q What was her name? A Mahala, she done my washing until I was married.
- Q Is there any circumstance by which you fix that it was in 1865 that you lived near these people, and that they did your washing?
- A She never done my washing after 1865, January 5, I was married January 5, 1865, she never did my washing after that.
- Q Well did you buy a place in 1865? A Yes sir, I bought the farm I am living on now.
- Q What time in 1865 did you buy it? A In April sometime, I think the 29th.
- Q Did you get a deed to that farm? A Yes sir.

MR. Starr. Mr. Hastings we want to have a notation made of this deed.

Mr. Hastings: I have no objection whatever,

On behalf of the Commissioner: There is exhibited a deed dated April 29, 1865, signed by Jacob Pierson and his wife, Lyddie Pierson, conveying certain land described therein to John C. Thomas. This deed was acknowledged before Wm. S. Newbury, a Notary Public, Allen County, Kansas, on April 29, 1865. The deed is returned to the witness.

- Q Now where was Jeff and Mahala at the time you bought this place?

Mr. Hastings: Objected to because he has made no connection between the two as yet.

On Behalf of the Commissioner: The objection will be noted.

- A He was living on Mr. Gethorn's place.

- Q How far was that from where you lived? A On part of the place, there was a lot cut off of his place.
- Q How long did you continue to live at that place? A From 1866 until the spring of 1866.
- Q Then where did you move? A On to this place.
- Q Then when you moved on this place in the spring of 1866 where was Jeff and Mahala living? A I think they were living on the Ceshorn place.
- Q You at that time moved on the place mentioned in this deed? A Yes sir, the first of March.
- Q What became of Jeff and Mahala after that? A I don't know sir, I haven't seen them since.
- Q How long did they continue to live there after that, after you moved on to this other place? A I don't know sir, they may have lived there all summer, I couldn't give the date but I never seen them after the spring of 1866.
- Q Did they leave that part of the country in 1866? A

Mr. Hastings: Objected to for the reason that the witness says he doesn't know and didn't see them after the spring.

On Behalf of the Commissioner: The objection will be noted.

- A I never see them after that, don't know where they went.
- Q Never saw them since? A No sir.
- Q Now what was your understanding as to where they went?

Mr. Hastings: Objected to because he says he doesn't know where they went and I suppose he doesn't want to testify where they went.

On Behalf of the Commissioner: The objection will be noted.

- A My understanding was that they come down here. I asked why they left there so quick, I didn't think they would leave at all, and I was told by whoever I asked that they left to come down here in time to get their claim.

BY MR. HASTINGS:

- Q You don't know who you talked with? A No sir.
- Q And you don't know of your own personal knowledge when they left?
- A No sir, I don't.
- Q You cannot begin to testify and you are not going to testify?
- A No sir.
- Q All you know is that after you moved on this other place you never saw them after the spring of 1866? A No sir.
- Q And you don't know whether they left that spring, or summer or when? A No sir.
- Q All you remember is that you didn't remember of seeing them after you moved? A No sir.

WITNESSES EXCUSED.

ELIZABETH THOMAS, being first duly sworn testified as follows:

BY MR. STARR:

- Q What is your name? A My name is Elizabeth Thomas.
- Q What is your age? A I am 64.
- Q What is your post office? A Iola, Kansas.
- Q How long have you lived in or around Iola, Kansas? A Well since 1858, the fall of 1858.

- Q Where were you living in 1865? A Living right in Iola, well it wasn't inside of the corporate limits but close there about 100 yards.
- Q Are you acquainted with a colored man named Jeff Lyons in 1865?
- A Yes sir.
- Q Did you know his wife Mahala? A Yes sir, she lived there close.
- Q How far did they live from where you lived? A It is hardly a quarter of a mile, I don't know really how far it was, not over that.
- Q Did you know them there in 1866? A I never saw them until here.
- Q When did you leave the place? A In the spring of 1866.
- Q Did you see them around there after the time you left? A Yes sir, before we left.
- Q What became of them after that? A They came to the Nation, to the Cherokee Nation I suppose.
- Q How when was it that they came to the Cherokee Nation? A Well sir---

Mr. Hastings: Objected to because the witness has already stated that she didn't know, and that she never saw them after the spring of 1866.

On Behalf of the Commissioner: The objection will be noted.

- A Well I can't give the date when they come but it was shortly after we moved to our place. We moved there in the spring of 1866. We were married in 1865 and come on our place in the spring of 1866.
- Q And it was after that shortly you say they came to the Cherokee Nation? A Yes sir, it was a very short time after that, but still I can't give you the date when they came.

BY MR. HASTINGS:

- Q You don't know where they come of your own knowledge? A I am right this way, I am like everybody else, that is where they said they were coming. We didn't go with them.
- Q You didn't see them when they left there? A We went from that vicinity.
- Q Did you see them when they left? A No sir.
- Q They just dropped out of your sight and you didn't see them after the spring of 1866? A Yes sir, I said we moved on our place in 1866.
- Q Didn't you say they dropped out of your sight in the spring of 1866? A I said I hadn't been back to visit where I lived.
- Q Didn't you say you didn't see them after the spring of 1866? A I don't think I did.
- Q Now you ought to be absolutely frank with me, you don't know of your own personal knowledge whatever became of them? The folks--

On behalf of the Commissioner: Answer his question, yes or no.

- A I didn't know that they were coming down here.
- Q You lost sight of them in the spring of 1866? A Yes sir, that is what the folks said.
- Q Now you are determined to say that? A Well it is just hearsay, the same as our neighbors, everybody knows.
- Q Who lived on your place in 1867? A We lived there ourselves.
- Q Did you have any tenant? A No sir.
- Q Did you have any one in 1875? A No sir.
- Q Have you ever had one since? A One year we moved off our place and moved to a mill and ran a mill that one summer.
- Q What time did you move on this place in the summer? A In the spring, the first of March.

- Q Then after you moved there the first of March you never saw Jeff and his wife? A I don't remember of seeing them.
- Q You don't know where they were of your own personal knowledge?
- A No sir.
- Q Did they have any children? A Yes sir, one.
- Q What was its name? A It name has slipped my mind.
- Q Boy or girl? A Boy.
- Q About how old? A Well I should judge he was 5 or 6 years old, I don't know that is just guess work.
- Q They only had one that you knew? A The only one that was with them, I have been told that she had older children that were not with her.
- Q That had only one there and it was 5 or 6? A Yes sir.
- Q That was Jeff and Mahala? A I don't know, it was called theirs.
- Q Do you know where it was born? A No sir.
- Q Did they have any born while there? A No sir.
- Q You know that? A Yes sir, I know that.
- Q This one you know is 5 or 6 years old? A I judge it was.
- Q You never saw but the one? A That is all I had any knowledge of. If she ever told me anything about her older ones I have forgot it

BY MR. STARR:

- Q Now Mrs. Thomas you started to say awhile ago what the folks said about where these people went when they left there?

Mr. Hastings: Objected to for the reason that this witness has already testified that she doesn't know of her own personal knowledge where they went?

On Behalf of the Commissioner: The objection will be noted.

- Q Go ahead and tell what they, what you started to say? A I said that is what the people said, that they had gone to the Cherokee country.
- Q Was that the same year you moved on the last place?

Mr. Hastings: Objected to because that is as clearly and leading question as can possible be put.

On Behalf of the Commissioner: The objection will be noted.

- A We have never lived on but one place, we live right where we moved when we went to housekeeping.
- Q Was that the same year you moved on this place that these people were talking about Jeff and Mahala coming to the Cherokee Nation?
- A To the best of my knowledge it was.

BY MR. HASTINGS:

- Q Was it a month after you moved on your place? A It was more than a month.
- Q Two months? A I think it was that, well this Jeff just tended a crop that year.
- Q You don't know this? A I know they had to hire another hand, they said Jeff was gone.
- Q In making that crop? A Yes sir.
- Q Making a crop of corn? A Yes sir, a mixed crop I guess.
- Q That is what you recollect about it? A Yes sir, I wasn't on that place, I just seen the family once in a while.

W I T N E S S E X C U S E D.

On motion of the Commissioner this case was here continued for further hearing until June 22, 1906, at 8:45 A.M.

On June 22, 1906, in pursuance of continuance heretofore had in this case, the hour of 8:45 A. M. having arrived, this case was called for further hearing, and the following proceedings were had on this day.

R. J. MORRIS, being first duly sworn, testified as follows:

BY MR. PATTER:

- Q What is your name? A R. J. Morris.
- Q Where do you live? A Iola, Allen County, Kansas.
- Q How old are you? A Past 61.
- Q How long have you lived there? A A little bit over 50 years.
- Q Were you a soldier in the Civil War? A No sir.
- Q Did you know a man by the name of Nose Hardrick, a colored man about war time? A Yes sir.
- Q When did you first become acquainted with him? A Personally acquainted with him in 1864, we were out together in Price's Raid, there is where I got personally acquainted with Nose.
- Q Did you continue to know him after that time? A I did for a year or two.
- Q Do you know where he lived in the year 1866? A He lived on a farm owned by Eli Loranee.
- Q Where were you living at that time? A Two miles northwest on Deer Creek.
- Q Were you pretty well acquainted with him? A Yes sir, very well acquainted with him.
- Q How frequently did you see him during the year 1866? A I probably see him once a week, maybe twice or three times. I went to town pretty often then and most every Saturday I would see Nose in town.
- Q Did you know Jeff Lyons? A Yes sir, I knew the man, I wasn't so much acquainted with him as I was with Nose.
- Q Did you know Tom Moore? A Yes sir, very well acquainted with Tom.
- Q Did you know Butler McHair? A Yes sir.
- Q Where did these other people live, Jeff Lyons, where did he live? A Jeff Lyons lived on Cowhorn's place, joined right up to Iola on the southwest.
- Q Was that close in the neighborhood where you lived? A Probably five miles.
- Q Where did Butler live? A On Deer Creek about 4 miles from me.
- Q Where did Tom live? A On Coover's place, a mile north of where Butler lived.
- Q Do you know how long these people continued to live in that neighborhood? A They were there until the fall of 1866.
- Q And where did they go, if you know? A I don't know, they left there and said--they were talking of coming back home, I suppose the Territory. They left there at that time along sometime in October or November, I couldn't say which month.
- Q Now about how do you fix it that this was in the fall of 1866, rather than 1867 or '65 that they left? A Well I was at that time a single man, I was married in 1867.
- Q And about how long before you were married did they leave? A year.
- Q And what time in the year 1867 were you married? A In the latter part, in the fall, or rather in the winter, along in November.
- Q Do you know when the Dan Terrville house was built up in that community? A I couldn't say as to that, it was built in the early days.
- Q You don't know what year? A No sir.

BY MR. HASTINGS:

- Q It is pretty long to remember when people's houses were built around there? A Will I will tell you that was about the finest house put up in that country then.
- Q But you cannot remember? A No sir, I couldn't say what year.
- Q You would not like to say from an independent memory? A No sir.
- Q You say you were only slightly acquainted with Jeff Lyons? A Yes sir, only slightly acquainted with him, never met him very much.
- Q You perhaps knew there was a colored man by that name? A Yes sir.
- Q You don't know the members of his family? A No sir.
- Q You don't know anything about the members of Tom Moore's family? A I knew his wife, a girl Rose, an adopted girl.
- Q How old was Rose? A She was just a little bit of a girl.
- Q About what age? A Probably 7 or 8 years old.
- Q Well now what place did Tom live on? A On Coover's place.
- Q About how far was that from where you lived? A About 4 miles.
- Q Well was that settlement around Iola pretty thickly settled? A Yes sir, telable.
- Q You had no special reason to remember Tom Moore and you are testifying from your independent recollection? A Nothing more than that he had a mare I used to want and I would try to trade for that mare.
- Q You made no note or nothing of that? A No sir.
- Q You are just testifying from your own independent recollection? A Yes sir.
- Q And these people, you could be mistaken as to the time you last saw them? A Yes sir, it is possible.
- Q You are not going to state it here and swear positively as to that? A Only as to my recollection.
- Q You have no record guide you? A No sir.
- Q And the same is true of Butler McHair? A Yes sir.
- Q And of the others you have testified? A Yes sir, I would not attempt to say positively.
- Q You might be mistaken some 3 or 4 months, possible a year? A I don't think I am mistaken as to the time they left there.
- Q It is possible you could be though? A Yes sir.
- Q Because it is 40 years ago? A Yes sir, long time ago, I knew it was they left there before I was married.
- Q You have got nothing that connects your marriage with them? A No sir.
- Q They didn't attend your marriage or anything of that kind? A No sir.
- Q I mean did work as for you about your marriage? A No sir, I didn't ask them anything about it, I asked the woman, she consented and we got married.
- Q Well I know, you often times thought have help around there? A They would have been there at the wedding.
- Q I say there is nothing in the way of who cooked the wedding dinner or anything of that kind to connect one circumstance with the other? A No sir.
- Q As I understand you these were colored people living there in the country that you knew? A Yes sir.
- Q You know a great man there, colored people there? A Yes sir.
- Q And these people dropped out of your sight about the time your indicated? A Yes sir.
- Q You are not going to testify as to where they went to? A No sir.
- Q You never saw them in the Cherokee Nation until recently? A No sir.
- Q Some of them you have never seen? A No sir, and never will see unless I happen to go to the same place in the happy hunting ground.

- Q Might for aught you know? A Yes sir, we might meet in the happy hunting ground.
- Q They left there at the same time Butler McHair? A Yes sir, all disappeared at the same time.
- Q That is all dropped out of your sight? A Yes sir.
- Q You were not there when either of them left? A No sir.

BY MR. PATTEN:

- Q You were more particular acquainted with Mose Hardrick? A Yes sir, Mose more particularly.
- Q Are you pretty positive to the best of your judgment it was in the fall of 1866? A Yes sir, that is my judgment that they left there in the fall of 1866.
- Q When they left there where did you understand that they went?

Mr. Hastings: I object to that as being hearsay.

On behalf of the Commissioner: The objection will be noted.

- A They were coming back home, back to the Territory, that was my understanding.

WITNESSES EXCUSED.

CALVIN ROSS, being first duly sworn, testified as follows:

BY MR. PATTEN:

- Q State your name? A Calvin Ross.
- Q How old are you? A 66, 67 next spring.
- Q Where do you live? A Iola, Kansas.
- Q How long have you lived there? A I have been there ever since the war.
- Q Did you know Mose Hardrick during the war? A Yes sir, I knowed him.
- Q Did you know Jeff Lyons? A Yes sir.
- Q Did you know Butler McHair? A Yes sir.
- Q Did you know Tom Moore? A Yes sir.
- Q When did you first become acquainted with them? A Well after they went up to Kansas, that is Butler and Tom, Mose and Jeff all belonged to the same man down here.
- Q Did you go up there with them? A Yes sir.
- Q Were you in the Territory here before the war? A Yes sir, raised right over here on the Grand River.
- Q Did you go to Kansas with that party up here? A Yes sir.
- Q Where were you living in the year 1866 after the war? A Up there.
- Q Where? A Iola.
- Q How far from Iola? A Right in town.
- Q Do you know where Mose Hardrick was living then? A Yes sir.
- Q Where? A On the Loranee place.
- Q Do you know where Jeff Lyons was living? A On the Cowhorn place.
- Q Do you know where Butler and Tom were living? A I don't exactly know, I know they lived on Deer Creek there.
- Q Do you know when Mose Hardrick and Jeff Lyons left the community up there? A Yes sir.
- Q When did they leave? A Along about '66, along about the fall like.
- Q Do you remember about what month, or what time of the year?
- A Well it was fall of the year, latter part of August somewhere along there.

- Q That was in the year 1866? A Yes sir.
- Q Where did they go, if you know? A Well they started down here, they said to the Nation.
- Q Have you lived in that community almost every since? A Yes sir.
- Q Have they ever been up there since? A I haven't seen them, never saw Mose until yesterday.
- Q Do you know whether or not there was another man up there in that neighborhood named Calvin Ross? A Yes sir, all belonged to the same set of people, kinsfolks, but I knowed him, he belonged to Mr. Josh Ross's mother here, and I belonged to Lewis Ross.
- Q You are not an applicant here at all for citizenship are you, you have been in Kansas all the time? A I was in Kansas.
- BY MR. HASTINGS:
- Q You are the same man that applied here for citizenship? A Not this court.
- Q Yes to this Commission? A When?
- Q Well are you? A No I aint applied for anything in this court here.
- Q Did you ever apply? A I did in the Wallace court.
- Q About four years ago? A No sir, not 4 years ago.
- Q Have you ever applied? A Why I did in the Wallace Court, I don't know how long that has been but then I wasn't living here.
- Q What year was it? A I don't know what year it was then, it was in the Wallace Court.
- Q Who were your witnesses? A Why old man John Martin.
- Q Did you draw money from the Wallace Court? A Didn't get nothing, not five cents.
- Q Did you make application to the Kern-Clifton Commission in 1896? A No sir.
- Q Did you live in Iola, in the town of Iola? A Yes sir.
- Q Where did Mose live? A On the Loranse place north of town, northwest.
- Q I believe you stated that you never made any special note of when they left there? A No sir, I didn't keep no count when they left there.
- Q Well did you keep any account of it, have you got any memorandum in your possession? A I said they left in the fall of 1866, I will tell you the reason why, I worked some along with Jeff and that fall he said he wanted to hurry and get down here before the limit run out.
- Q I am not asking about that, I am asking you if you have got any record in your pocket about when they left? A No sir, I aint got no date when they left, I know it was '66 along in the latter part.
- Q Did Butler McHair leave at the same time? A Yes sir, he and Tom Moore.
- Q All of them go? A Yes sir.
- Q You have never been to the Cherokee Nation since? A I have been here several times visiting.
- Q You never come in 1866 yourself? A No sir.
- Q What was the first time you came here after the war? A Time of the Wallace Court.
- Q You come and applied for money yourself, did you? A I come to see what I could do, they said everybody.
- Q Did you apply for it? A I went in to enroll and they-----
- Q Did you get on? A Yes sir, they said I was on it.
- Q Did you get any money? A No sir, they took my name off.
- Q You don't know what year that was? A No sir.
- Q Afe you married? A I have been.
- Q What year were you married? A '70

- Q What were you doing up until 1870, you never was married? A What was I doing before I married.
- Q Yes, were you working up there? A Yes sir.
- Q What kind of work were you doing? A Anything I could get to do. Nothing special, anything I could get to do.
- Q Were you ever here after you come to make application before the Wallace Court? A I have been down on a visit, that is all.
- Q What year was that? A I was down here last year.
- Q What was the next year after the Wallace payment? A I didn't keep any record, might have been 4 or 5 years, I think about up until last fall, I guess it had been about 6 years.
- Q Do you remember the exact year you were here? A No sir.
- Q You don't know about these dates? A No sir, no learning at all. I am no scholar.
- Q Can you sign your name? A No sir.
- Q Can't read nor write? A No sir.
- Q You are a colored man? Yes sir, I am colored.
- Q You were a slave yourself? A Yes sir.
- Q To whom did you belong to? A Lewis Ross.
- Q Where is that other Calvin Ross up there? A He lives at Vinita.
- Q Did he used to live at Iola? A Yes sir, I suppose he did.
- Q Don't you know? A Yes sir.
- Q Did Hardrick have some children up there in Kansas? A Yes sir, I think he had some.
- Q How many did he have? A I don't know what. That is something I never paid any attention to, him nor anybody else.
- Q Did Butler McHair have any children? A Well I don't know that.
- Q Well did Jeff Lyons have some? A Yes sir, he had some, I recollect a couple of girls; that was his wife's children.
- Q What were their names? A One named Peggie and An-na-ki, by a man named Ike.
- Q Did Jeff have any children by her? A Yes sir, he had children by her.
- Q Up there? A Yes sir.
- Q How many and what were their names? A Just one is all I know. It was young when he left, I don't know the name of him now.
- Q Don't remember his name? A No sir.
- Q Have you lived continuously in Iola ever since? A Yes sir.
- Q In the same town? A Right there in town, been nowhere else.
- Q Were you in the army? A Yes sir.
- Q After you were mustered out you just lived continuously in Iola? A Yes sir, right there.
- Q Is the wife you married in about 1870 living? A Dead.
- Q When did she die? A She has been dead about 12 years I believe.
- Q Do you remember the year she died in? A No sir.
- Q You don't remember? A No sir, I don't know anything at all about such things.
- Q You don't know anything about dates? A No sir.
- Q You don't remember the date she died? A No sir.
- Q You are not going to testify about dates? A No sir.
- Q You are unlearned and cannot read nor write and are not going to testify as to exact dates? A Nothing like that I don't know.
- Q Did you have some children born to you? A No sir.
- Q Never had any children at no time? A Yesir, never did.
- Q You are just testifying now from independent recollection? A What I tell is what I recollect.
- Q But you have just said you cannot read nor write and don't know anything about dates? A No sir, I cannot read nor write.
- Q And you said you don't know anything about dates? A Well I know about back in 1866, about that time I knew that because that was the second year after I came home from the army.

- Q But you don't know what year your wife died? A No sir, I don't know that.
- Q You don't know what year you come down here to make application to get on the Wallace roll do you? A No sir, I don't recollect that date at all.
- Q Now from 1866 up to the present hour can you name any date upon which any event occurred. Now all between these years, 1866 to 1906? A Well I don't know that that is.
- Q Do you know anything occurred in 1876? A I don't know that.
- Q Do you know anything occurred in 1886? A I never paid attention to such things.
- Q Do you know anything occurred in 1896? A No sir, I don't recollect any such things like that.
- Q When were you asked to testify in this case? A I was up at Iola.
- Q Who come to see you about it? A I don't know the man.
- Q Well who was it? A I don't know but he was---I guess you all knew him better than I do.
- Q Who subpoenaed you to come down here? A Why it was a Government man, he said he was doing Government business.
- Q Did he say he was a Deputy Marshal? A Yes sir.
- Q Did he tell you that? A He didn't tell me but I heard some of them say, he told me he wanted me to come down.
- Q Did he read a subpoena to you? A No sir, he didn't read anything.
- Q Did he say he had one? A He didn't tell me that neither.
- Q What was his name,--Parrymore? A I don't know.
- Q Was that his name? never heard the man's name called.
- Q But without knowing who it was or anything about him, you come?
- A Yes sir, I don't know anything about his name, he never told me his name at all, he told me what day to come.
- Q What year is this? A 1906 I believe.
- Q Are you certain? A Last year was 5 and this year is 6.

W I T N E S S E X C U S E D .

JOE DAVIS, being first duly sworn, testified as follows:

BY MR. STARR:

- Q What is your name? A Joe Davis.
- Q What is your age? A 51 going on 52.
- Q What is your post office? A Vinita.
- Q Are you acquainted with the applicant Mose Hardrick? A Yes sir.
- Q Were you acquainted with Jeff Lyons? A Yes sir.
- Q Were you acquainted with Mike Moore? A Yes sir.
- Q Did you know Butler McNair in his life time? A Yes sir.
- Q Did you know old man Tom Moore? A Yes sir.
- Q Where were you in the fall of 1866? A I was over on Spring Creek, well I was in Tahlequah District, right where Saline and Tahlequah join.
- Q When was the first time you saw the applicant Moses Hardrick after the war of the rebellion in the Cherokee Nation? A Well it was sometime just before Christmas 1866.
- Q Where was he when you saw him? A Over there on Spring Creek.
- Q What was he doing there? A He just come over there visiting around I guess, over there where we were all living.
- Q When was the next time you saw him any more? A After Christmas, sometime in 1867, along in about the last of January sometime of the first of February.
- Q January 1867? A Yes sir.
- Q Where was he? A He was up on the River on the old Dr. Thompson place where Viner Thompson lives now.
- Q What was he doing there? A He was living there.

- Q Who else was living there at that time? A A whole lot of them, Uncle Andy Frye was there, old man Moore.
- Q What Moore was that? A Uncle Tom Moore I think. I don't know, there were several families living in that old house.
- Q Has Moses Hardrick lived in the Cherokee Nation ever since you saw him the last of January, 1867? A Yes sir, ever since to my recollection.
- Q Never has lived anywhere else? A Not as I know of.
- Q When was the first time you saw Jeff Lyons after the war? A Well that was in 1867, sometime in January.
- Q Where was he at that time? A He was up there, up to old Dr. Thompson's place.
- Q In the Dr. Thompson house? A Yes sir, in that house.
- Q Did Jeff Lyons and Mose Hardrick make a crop on that place in the year 1867? A I think they did, they were living there working there.
- Q Did Jeff Lyons have his wife with him there? A I don't know whether he did or not.

BY MR. HASTINGS:

- Q How old are you now? A 51 years old, going on 52.
- Q You were just a boy then? A Yes sir.
- Q How old were you then? A I suppose I was, I don't know about 11 years old, 10 or 11.
- Q You were a slave yourself before the war? A Yes sir.
- Q What is your wife's name? A Belle Davis.
- Q What was her maiden name? A Belle Bains.
- Q Is she an applicant for citizenship? A She was born and raised in Texas.
- Q Is she an applicant for Freedman citizenship? A No sir she is an intermarried, she is a State woman.
- Q Were you ever married before? A No sir, this is the first one I ever married in my life.
- Q Where were you living in 1866? A Well sir I was living at two different places. I was living up there on Grand River, there is where I settled, I moved from Fort Gibson up there.
- Q When did you go from Fort Gibson? A Sometime in the summer.
- Q On whose place? A Our own place.
- Q Who was with you? A My Uncle.
- Q Who was he? A William Tucker.
- Q Who made a crop on the Lon Lynch place in 1867? A Well I don't know about that.
- Q Who made one on the Bob Daniels place in 1867? A I don't know about that.
- Q Did Jeff Lyons have any children with him when you saw him? A Well I don't recollect, there were some children, I think he did though.
- Q Did Mose Hardrick have any? A Yes sir.
- Q How many? A I don't recollect, had several of them, --Jeff Lyons, lets see--
- Q I am asking about Mose now? A Well he has had so many children I don't recollect.
- Q Well at that time? A Yes sir, I think he did.
- Q How many children did he have? A I know of one, Eliza.
- Q Did he have any others? A Yes sir, two or three more there.
- Q What were their names? A I don't recollect--there was Josiah.
- Q He had him there when you first saw him? A No sir, he didn't have him then.
- Q I am asking you when you first saw him? A No sir, he didn't have none of his people with him when I first saw him.
- Q Well after Christmas, which ones did you see? A Well I say there was Eliza.
- Q What was the next one? A Well I don't recollect, he had several children.

- Q How many did he have? A I said I don't know.
- Q Don't recollect that? A No sir.
- Q How many did Jeff Lyons have when you saw him up there? A I don't recollect that.
- Q You don't tell about that? A No sir, had two or three, 3 or 4, there were lots of children there.
- Q You were only a boy yourself, you would have known children?
- A Yes sir, that is how come me to know them, I played with them
- Q Was Butler McNair there at that time? A Well I don't recollect, it has been so long, I don't recollect all of them.
- Q It has been a long time ago hasn't it Joe? A Yes sir, that is right.
- Q You didn't belong to the same people these people did before the war? A No sir, but I knewed them.
- Q You were only 5 or 6 years old during the war? A Yes sir.
- Q You were born in 1855 or 1856? A Born the 27th of March 1855.
- Q Was Tom Moore at this Thompson place? A Yes sir.
- Q Did he have a wife? A Yes sir.
- Q What washer name? I don't recollect.
- Q Was she there? A I can't recollect.
- Q You cannot recollect, it has been so long ago? A No sir.
- Q Where did you live in 1867? A On Spring Creek.
- Q Where did you live in 1868? A Up on Cabin Creek, moved up there in 1868.
- Q How far is that from the Dr. Thompson place? A About 30 miles I guess.
- Q Where did you live in 1869? A On Cabin.
- Q How long did you continue to live on Cabin Creek? A I continued to live there off and on until I was married. Call it my home, it was my home, raised up there, lived there from 1868 until now I live in Vinita.
- Q Were you down on the Dr. Thompson place in 1869? A I don't recollect.
- Q Were you down there in 1868? A Yes sir, I think I was there in 1868, come around by there.
- Q Who cultivated that place that year? A I don't recollect.
- Q Do you know who cultivated it in 1870? A No sir.
- Q Do you know who cultivated the Bob Daniels place in 1868? A No sir.
- Q Do you know who cultivated the Lynch place in 1865? A Which one of the Lynch's places.
- Q Len Lynch place, belonged to his father? A No sir I don't. You see I didn't live up there with them people at all.
- Q You were just wandering? A No sir, just going up there. You see there wasn't very many of us people here in that country up to that time, and that settlement was 16 or 17 miles north of where we stayed and our folks went up there and I went with them.
- Q Are you certain you saw Butler McNair up there at that time?
- A Yes sir,--well I won't be positive.
- Q Is that your best judgment, along with your judgment of the rest of them? A No sir, I won't be positive about Butler McNair
- Q You won't be positive about any of the children that any of these people had? A Yes sir, I will to.
- Q Now let's commence again, what children did Nose Hardrick have up there at that time? A I knew he had Eliza.
- Q The others? A It seems he had a girl, I forget, I knew he had two or three
- Q Nels Moore living there at that time? A Yes sir.
- Q Was he living in that house? A I think he was, yes sir, there was several of them, I don't know how many there was, 5 or 6 families all living in that old place.
- Q What others lived there, now named them all? A I have named all I recollect of.

- Q Now lets go over them again so we can get them more together, all that were living in that house at that time? A I couldn't tell you all of them. That has been a long time ago and I couldn't be positive to state but all of them people were living in that house.
- Q It is a long time to testify about? A Yes sir.
- Q And you don't want to be positive about that? A Yes sir, I am positive I saw Uncle Mose Hardrick there because I knew him so well.
- Q Tell us who else and all you saw there? A I seen Tom Moore there, I seen Uncle Mose Hardrick's children.
- Q Well who else? A I seen Aunt Sallie Lyons.
- Q Was that Jeff Lyons' wife? A I think it was. It has been so long ago, there was a whole lot of them there, that was Mike Moore's mother.
- Q What was her name? A I think it was Aunt Sallie.
- Q You knew her before the war? A No sir, I used to run with Mike Moore, I knew him, raised with him and went with him.
- Q His mother was named Sarah? A Not Sarah, I think it was Sallie it has been so long I forget, ---No Mahala that was it.
- Q Who told you? A I just happened to think of it.
- Q You just heard one of those boys back there say it, didn't you? A No sir, but that was her name.
- Q She was living there then? A Yes sir.
- Q Well where was Bob Daniels living? A I don't recollect. It has been so long, I would not come up and say who all lived there exactly except old Uncle Mose and them people I know personally a long while.
- Q You are ready to testify about them? A Yes sir, you too.
- Q But you are not ready to testify what children Mose had? A Yes sir, I can testify to that.
- Q Give them here? A I cannot give them all.
- Q Then you are not ready to testify? A Yes sir, I am about Eliza Hardrick.
- Q Did he have any others? A Yes sir, two or three more
- Q What were their names? A I don't recollect it, ---there was Cy.
- Q He was there at that time? A I don't recollect whether Cy was there at that time. I knowed Uncle Mose had two or three children but that was Eliza, she was the oldest.
- Q What I am trying to get at, you say Mose had some two or three other children there at that time and I am asking you the names of any of them except Eliza, that was there in January, 1867?
- A I don't recollect the names.
- Q But you know he had them? A Yes sir, I know he had them.
- Q Was he living up stairs or down stairs? A I don't recollect that.
- Q Do you remember who was living up stairs? A No sir.
- Q Do you know who was living down stairs in it? A No sir, I don't recollect whether they were living up stairs or down stairs because I didn't live there myself.
- Q You don't know who was living there on the Bob Daniels place at that time? A No sir.
- Q You don't know who was living there on the Lynch place, Lon Lynch's father? A No sir, I didn't live up in that country.
- Q You don't know who lived on the Johnson Thompson place? A No sir I don't it seems to me like it was some Cherokees living on the Johnson Thompson place, I don't recollect.
- Q What year did Johnson Thompson come back there? A I don't know, I couldn't tell you that.
- Q You couldn't say that? A No sir.

- Q When did you first see him up there after the war, Johnson Thompson? A Well I never got acquainted with Johnson Thompson until way along sometime in '70, in '72.
- Q When did you know of his living there,--lots of time you knew of a man living there but not personally acquainted with him? A Well I would know,--I knew he was living there along in '70.
- Q That was the first time you ever saw him there, that is what I am asking you? A I don't recollect.
- Q You don't recollect that? A No sir.
- Q How far is the Johnson Thompson place from the Dr. Thompson place?
- A Well I don't know that, it isn't very far though.
- Q Well about how far? A Well they are right close together. Dr. Thompson place I believe is on one side of the river and the Johnson Thompson place on the other.
- Q What side of the river is Dr. Thompson place? A On the east side.
- Q And the Johnson Thompson place is on the west side? A Yes sir. I don't know much about the Johnson Thompson place, but I have been to the Dr. Thompson place.
- Q And it is on the east side of the river? A Yes sir, Wimer Thompson lives there now.
- Q Did you have to go by the Johnson Thompson place to get to the Dr. Thompson place? A No sir, not at that time, I come in from the southeast.
- ON BEHALF OF THE COMMISSIONER.
- Q Are you related to Mose Hardrick? A None at all sir.
- Q Are you related to Jeff and Mahala Lyons? A No sir.
- Q Mike Moore? A No sir.
- Q How far did you live from them before the war, Mose Hardrick?
- A It was, I expect 45 miles.
- Q When was the last time that you saw him before the war? A Well sir I think it was just about the year the war commenced, or the year before the last time that I seen Uncle Mose.
- Q Where was it? A He was up there at our place.
- Q Do you remember what year it was? A Yes sir, I think I do.
- Q What year was it? A I think it was in about 1860, the last time I seen Uncle Mose.
- Q He was at your place? A Yes sir.
- Q Was any one there with him? A Yes sir, several of them.
- Q Name them? A Lets see, there was him and Uncle Jim French, and my oldest brother, Ab Davis, my mother and Charley Davis.
- Q What were they doing there? A Well I don't recollect.
- Q Just visiting? A Yes sir, he was just there, used to come up there sometimes and stay a week or two at a time. Uncle Mose used to come up there to see my sister.
- Q Do you remember him being at your place before that time? A Yes sir.
- Q Can you name another time he was there before this? A Yes sir, I can recollect him ever since I have been big enough to recollect.
- Q The last time you remember seeing him before the war was in 1860?
- A Yes sir, somewhere along there, '59 or '60, about the time the war commenced.
- Q Do you know where he went from your place? A No sir, guess he went back home.
- Q Did you see him any more until you say you saw him in January, 1867? A Yes sir.
- Q When? A I seen him sometime along in December of 1866.
- Q Did you see any other freedmen up there about that time? A Yes sir.
- Q Name them? A Well I cannot name all. There was several of us.

- Q Name what you can? A There is Uncle Sam Vann, Jesse Vann, Rab Mangrove and our family and Uncle Hous Mangrove.
- Q Were they all there on Spring Creek? A All living up and down and Spring Creek, one settlement.
- Q You were how old then. A About 10 or 11 years.
- Q You remember December 1866, do you? A Yes sir, I recollect it, well I think it was sometime just before Christmas.
- Q Had you ever gone to school prior to that time? A No sir, I hadn't commenced school then.
- Q Could you read and write at that time? A No sir.

BY MR. STARR:

- Q About this Bob Daniels place, how many Daniels places were they around that country? A I don't know, I aint very well acquainted with the Daniels place.
- Q Were you very well acquainted with this Lon Lynch place in 1867? A No sir, I wasn't around there very much at that time 15 or 16 miles from there.

BY MR. HASTINGS:

- Q Was Mose Hardrick married before the war? A I don't know whether he was or not. That is beyond my knowledge.
- Q You don't have any idea about that? A No sir, I couldn't say I didn't live within 40 miles of him.
- Q You don't know whether he had a wife before the war or not?
- A Don't know whether he married before the war or during the war. Sometimes the darkies didn't marry in this country.

W I T N E S S E X C U S E D .

WILLIAM BIRD, being first duly sworn, testified as follows:

BY MR. PATTER:

- Q State your name? A William Bird.
- Q Where do you live? A Allen County, Kansas.

Mr. Hastings: Comes now the representative of the Cherokee Nation and call the attention of the Commissioner to the Five Civilized Tribes that no notice was served upon the representative of the Cherokee Nation that the testimony of the witness William Bird was expected to be taken in this case. That notice was received by the representative of the Cherokee Nation only upon June 18; that this witness was expected to give testimony in this case, and no affidavit was filed as to what he is expected to testify to and his name was not included in a list of witnesses in the motion to reopen; and that it is unfair to the Cherokee Nation for notice to be given only three days in advance of the date the case is set for hearing of non-resident witnesses, and for these reasons object to the witness testifying in the case.

Mr. Patton: The Attorneys for applicants ask in reply to the motion of the Attorney for the Cherokee Nation, that the letter written to the Honorable Commissioner on June 18, 1906, advising the Commissioner of the names and post office addresses of the witnesses now sought to be introduced be filed and made a part of the record in this case. We further contend that the introduction of this witness is not unfair for the reason that his name and post office address have been previously furnished the Attorney for the Cherokee Nation, and if there is any unfairness it is because his name and post office address is at all required to be furnished being since the applicants in this case are not entitled to and are not in a position to require the Cherokee Nation to furnish the names or post office address of a single witness. And further we would call attention to the Departmental letter in the Thomas Mayfield case, dated April 12, 1906, that shows that the affidavits of witnesses sought to be introduced on new hearing are not required previous to the introduction of such witnesses.

On behalf of the Commissioner: The records of this office show that under date of June 18, 1906, there was received a letter from Messrs. Starr & Patten, Attorneys in this case, dated June 16, 1906, advising that they expected to introduce at the hearing in the cases of Moses Hardrick, et al., the testimony of William Bird of Iola, Kansas, and that they had on that date advised the Attorneys of the Cherokee Nation thereof, giving the name and address of said witness.

Mr. Bixby, Commissioner: The records of this office show that on May 24, 1906, the Attorneys for applicant were notified that the Freedman enrollment case of Moses Hardrick, et al., would be taken up for hearing at the offices of the Commissioner on June 21, 1906, and that they would be required to furnish this office with the names and addresses of such witnesses as they proposed to introduce in addition to the witnesses who signed affidavits filed with the motion to reopen the case, in sufficient time for this office to give the Attorneys for the Cherokee Nation at least two full weeks notice of the names and addresses of the witnesses proposed to be introduced. It is advised therein in accordance with the Department's direction to this office of April 12, 1906 (I.T.D. 4071-1906), in the cases of Thomas Mayfield, et al., in view of the advice to the Attorneys and of the Department's direction to this office in the Mayfield cases the motion of the Attorney for the Cherokee Nation will be sustained, and the testimony of the witness William Bird will not be taken.

Mr. Starr: To which the applicants except.

JENNIE DOWNING, being first duly sworn, testified as follows:

BY MR. PATTEN:

- Q State your name? A Jennie Downing.
Q How old are you? A About 54 years old.
Q What is your post office address? A Catala.
Q Where were you living in the latter part of the year 1866? A The latter part.
Q Yes, or the first of 1867? A I was at the old Johnson Thompson place.
Q Are you a duly enrolled Cherokee Freedman? A Yes sir.
Q Were you out of the Cherokee Nation during the war? A Yes sir.
Q When did you return? A Returned back here in 1866.
Q Who did you come back with? A With Andy Frye, my Uncle.
Q How were you acquainted with Mose Hardrick before the war? A No sir.
Q When was the first time that you remember of seeing Mose Hardrick after the war? A I remember seeing Mose Hardrick after the war was down at the old Johnson Thompson place.
Q Which side of the Grand River is that place on? A It is on the east side.
Q Did you know Jeff Lyon about that time? A Yes sir.
Q When was the first time you saw Jeff Lyons after the war? A At the same place.
Q About what time was that? A It was in the winter time.
Q Of what year? A 1866.
Q About what time in the winter? A About Christmas times, just little after Christmas. I aint positive, a little before or after Christmas.
Q That is when you saw Jeff Lyons? A Yes sir.
Q And did he move over on that Thompson place? A Yes sir.
Q Did Mose Hardrick move over there before or after Jeff? A After Jeff, he was there first.

- Q How long after Jeff Lyons moved on that place did Mose Hardrick move there? A I don't know.
- Q Was it a long time or short time? A It wasn't so very long after he came I don't suppose. I would not be positive just how long.
- Q Did you know Mike Moore? A Yes sir.
- Q Did you know Cynthia Lynch? A Yes sir.
- Q Did they have a school anywhere in that neighborhood about that time? A Yes sir.
- Q Where did they have that school? A At old Johnson Thompson's place.
- Q Who taught it? A Cynthia Lynch.
- Q What time? A In the spring.
- Q Do you know about when that school started? A No sir, it was in the spring.
- Q Did Mike Moore go to that school? A Yes sir.
- Q Did you? A Yes sir.
- Q Did he go there when you did? A Yes sir.

Mr. Hastings: Comes now the representative of the Cherokee Nation and object to all of these leading questions put to this witness as the past few questions have been.

On Behalf of the Commissioner: The objection will be noted.

- A Yes sir, Mike went there then.
- Q And that was when? A That was in the spring.
- Q Of what year? A '67 or '66, '67 I think it was.
- Q Do you remember the occasion of the death of Harvey Frye? A Yes sir.
- Q When was that? A In March.
- Q Of what year? A '67. They dismissed school for us all to go and attend the funeral.
- Q Where was he buried? A He was buried right at that graveyard on the hill, I think on the east side of the house if I mistake not, it has been so long.
- Q Who dug that grave, do you know or not? A Uncle Jeff Lyon and Lewis Rowe.

BY MR. HASTINGS:

- Q Mose Hardrick ever lose any other children? A Any of his children.
- Q Did Andy Frye lose any other children? A Yes sir, lost one more, girl.
- Q After that? A Just before or after that.
- Q What year did the other one die? A I don't know.
- Q Don't have any idea about that? A No sir, I don't know.
- Q You don't know whether it was one year before, or two years after? A No sir, I don't.
- Q It may have been 5 years afterwards? A I couldn't tell.
- Q You have got no idea about that? A No sir.
- Q You had no education before this, you couldn't read and write at this time? A No sir.
- Q You would not like to be positive about this like that? A No sir.
- Q Did Mose Hardrick lose any children? A Not that I know of.
- Q Did Jeff Lyons ever lose any? A Not that I know of.
- Q Did Hela Moore ever lose any? A Not that I know of.
- Q Did anybody else in that country ever lose any? A Not at that time you speak of.
- Q I don't mean at that time, did Mose, Jeff or any of your neighbors in that country at any time after that have any children die?
- A They had some to die.
- Q What? A I don't know, Mose Hardrick might have lost some too.

- Q Well how long afterwards? A I couldn't tell you.
- Q Don't you know the date Hese lost his children? A No sir, I don't.
- Q But they were after that time? A Yes sir, I suppose they were.
- Q Well how long did you live there in that neighborhood after that?
- A Why we moved ~~from~~ ^{away} from there, we didn't live so long awhile before we moved away.
- Q About how many years? A I guess it was a year, or it may have been a little longer.
- Q May have been two or three years? A Yes sir, before we moved away from there, no not quite that long, probably a year or two years.
- Q Probably two years? A Yes sir, before we moved away from there.
- Q How far did you move from there? A I don't know.
- Q In the same neighborhood? A No sir, we moved on the Filmers Hicks place.
- Q How far from this Thompson place? A I don't know just how far?
- Q About 5 or 6 miles? A Yes sir, I guess it was.
- Q Do you know what year you moved down there? A No sir, I don't.
- Q How long did you live down there? A About two seasons.
- Q Do you know what year you left down there? A No sir.
- Q It is a pretty long time ago to testify about things that happened then, aint it? A A good while.
- Q Were you married afterwards or were you married at that time?
- A Married afterwards.
- Q What year were you married? A I was married in, I would not be positive, I was married in '74.
- Q You would not be positive about that? A I think it was.
- Q Do you know what year they made the Wallace Roll? A If I mistake not I think it was in '95 or '96, something like that.
- Q That is when they made the Wallace Roll? A I think it was.
- Q How when did they make the Kern-Clifton roll? A I disremember, I went be positive about that.
- Q You don't know what year the freedmen drew their first money do you? A No sir, I don't.
- Q You don't recollect the years of any of the payments? A There was one payment I could tell you and that was the 1880 payment. I think they paid once in '80.
- Q In that same year of 1880? A I think they paid off money that year.
- Q What time of the year? A I don't remember.
- Q You don't recollect it? A No sir.
- Q Don't know whether it was spring, fall, summer or winter? A No sir.
- Q Don't know where you were living? A Yes sir, I was living on Spring Creek.
- Q You said you were living on the Johnson Thompson place, when did he come back there after the war? A I don't know.
- Q Don't you have any idea? A No sir.
- Q Well you knew Johnson Thompson? A I was just acquainted with him, they would say it was him.
- Q He was afterwards a merchant up there? A He was?
- Q Wasn't he? A I suppose so.
- Q Don't you know that? A They say he was a merchant.
- Q Didn't you ever see him? A I saw him at a distance but never went to his store.
- Q Didn't you ever know where he lived? A Johnson Thompson's place was on this side of the river and the old place we moved on was on the east side of the river.
- Q How far were these two places apart? A They are not very far apart, the river is between them.

- Q And you claim you lived at one place and the river is just between you and the other? A Yes sir.
- Q You don't have any idea at all when Johnson Thompson returned to that place? A No sir.
- Q Don't have the slightest idea about it? A I could have a slight idea but that would not do me any good to tell it.
- Q What is your judgment about it? A I don't know, I couldn't tell you.
- Q You have got no judgment at all about it? A When he returned? Yes? A No sir, I have seen him.
- Q How did Mose come down there? A I couldn't tell you.
- Q You don't have any idea? A No sir.
- Q Did he have a wife? A Not when I saw him.
- Q Well, how many years afterwards before he brought his wife? A I couldn't tell you.
- Q As much as 3 or 4? A I don't know.
- Q Is that your judgment? A I couldn't tell you when I saw Mose Hardrick, I saw him personally---
- Q How many years after that before you saw his wife and family?
- A I guess probably a month, or two or three months when I saw his family.
- Q Where were you living when you saw his family? A Down on the river below there. I was staying with my Aunt on the Reuben Downing place.
- Q I thought you lived at the Dr. Thompson place? A I did when I saw him, but when I saw his wife I am telling you.
- Q When did you leave the Dr. Thompson place. A I don't know.
- Q How long after Christmas? A Quite awhile.
- Q Two or three months? A I couldn't tell just when it was we left that place.
- Q What is your best judgment about the time you left there? A Well I don't know, you see we went to school there.
- Q There on the Thompson place? A Yes sir.
- Q You said that started up in March, so you were still on the Thompson place in March? A Yes sir.
- Q And you yet hadn't seen Mose Hardrick's wife when you left that place? A Yes sir, I was at my aunt's before.
- Q That was after you left the Thompson place? A Yes sir.
- Q Then that was after March? A I suppose so, when I saw his wife.
- Q Then he didn't have any wife there when you first saw him? A No sir, I saw him personally.
- Q Anybody else with him? A Nobody with him when I saw him.
- Q Were you living in one of Dr. Thompson's house? A We were living there in the old brick house.
- Q Where did he come from? A Come from across the river when he come there.
- Q He wasn't living in that house? A No sir, not the first time.
- Q He wasn't living there until after you left? A After we left he moved there.
- Q Anyhow up until the time you left and you stayed there until after March, 1867, he never lived in that Dr. Thompson house?
- A No sir, he wasn't there when I left, I suppose he moved in after we left.
- Q Well you never saw Jeff Lyons there at all? A Yes sir.
- Q When did you see him there? A I saw Jeff there just a little before Christmas or just after Christmas.
- Q Did he have his wife? A Yes sir.
- Q The first time you saw him? A Yes sir.
- Q Where were they living? A Right there on the same place.
- Q On the Thompson place? A Yes sir.
- Q Did they live in the same house? A They lived in a little brick house. He moved in where she taught school in the little brick house.
- Q That was Jeff? A Yes sir.
- Q What was Jeff's wife's name? A Patience.

- Q That was Jeff Lyons' wife? A Mahala I mean.
Q Now you say it was Mahala, you see her? A Yes sir.
Q Did you see Butler McHair there? A No sir.
Q You didn't see Tom Maers? A No sir.
Q They never come there while you were at the Thompson place? A No sir.
Q Now if I recollect right, you lived there at the Thompson place until after they started school there and then afterwards moved down on the Downing place? A No sir, I didn't move down there, just went down there to stay a week or two with my aunt.
Q You don't know where Mose come from when he come there? A No sir, I don't.

ON BEHALF OF THE COMMISSIONER:

- Q How old are you? A I am 54 years old.
Q Your post office Catale? A Yes sir.
Q Are you a Cherokee freedman? A Yes sir.
Q Have you got any children? Yes sir.
Q What are their names? A Louvina Downing, Henry, Walter, Maggie, and Lydia.
Q Are they enrolled with you? A Yes sir.
Q Are you on the roll as Jennie Duncan or Jennie Downing? A Jennie Downing.
Q Is your husband's name Zebide Downing? A Yes sir.

The records of this office show that on May 10, 1901, Zebide Downing appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of, among others, his wife, Jennie Downing, as a Cherokee freedman, and gave her age as 43 years at that time. The correctness of his testimony is corroborated by her enrollment upon the 1880 Authenticated roll of citizens of the Cherokee Nation, her age appearing upon that roll as 22 years.

WITNES EXCUSED.

JOE BEAN, being first duly sworn, testified as follows:

BY MR. STARR:

- Q What is your name? A Joe Bean.
Q What is your age? A 60.
Q What is your post office address? A Chaffee.
Q Are you acquainted with the applicant, Mose Hardrick? A Yes sir.
Q Did you know Jeff Lyons in his life time? A Yes sir.
Q Did you know his wife, Jeff's wife? A Yes sir.
Q Where were you in the year 1866? A I was down here.
Q Down where? A Down here in the Nation.
Q Cherokee Nation? A Yes sir, come there to that Horse Creek fight.
Q You were in the Horse Creek fight? A Yes sir.
Q When was the first time you saw the applicant Mose Hardrick in the Cherokee Nation after the war of the rebellion? A I seen Mose Hardrick about 3 or 4 weeks after that Horse Creek fight, as well as I remember.
Q Where was he then? A He was there on Grand River.
Q When was the first time you saw Jeff Lyons after the war of the rebellion? A They were together when I met them.
Q How long after the Horse Creek fight was it when you saw them?
A I don't just remember how long it was, a month of such a matter, maybe have been longer.
Q It may have been a month or six weeks after the Horse Creek fight?
A Yes sir.

BY MR. HASTINGS:

- Q Where did you see them? A At the Dr. Thompson place.
- Q They were living there with their wives? A No sir, I didn't see their wives.
- Q Didn't have their wives? A Not over there.
- Q How long did you stay there? A Just a very short while, about two or three hours.
- Q You are not exactly positive as to the time you saw them? A Not exactly positive as to the time.
- Q No? A I am positive it was the same time right after the Horse Creek fight.
- Q But you don't know just when it was, you say directly afterwards? A No sir, I don't know the date when it was.
- Q You were a slave? A Yes sir.
- Q You couldn't read and write at that time? A No sir.
- Q You didn't have any education at all? A No sir.
- Q How many years afterwards before you saw Moses' wife, as many as two or three years? A No sir.
- Q About how many? A It was the next year I saw Moses' wife, I was up there. I saw them in the fall, along about -----
- Q As early as October? A Yes sir.
- Q Well, it was before it got cold weather? A Yes sir, when I first seed Mose.
- Q The leaves were not dead on the trees then? A About, just about the first frost.
- Q But you didn't see Moses' wife? A No sir, not at that time.
- Q Was he living there at that time? A Don't know as he had, I don't think he was.
- Q You don't think his family was there? A No sir, I don't know as it was.
- Q Did you know Mose before the war? A Yes sir.
- Q Did you know his wife? A Yes sir.
- Q Did you inquire about her? A No sir, didn't ask him anything about where his family was at the time.
- Q You didn't see Jeff Lyon's wife? A No sir.
- Q Make any inquiries about her? A No sir.
- Q Did you know her before the war? A Yes sir.
- Q What year was the Wallace roll made? A I don't just remember.
- Q You are not good on dates anyway? A No sir, I aint good on remembering, picking up everything.
- Q Old slaves don't remember these dates very well? A Old slaves remember one thing in this country, about when '66 was.
- Q You all remember 1866? A I do.
- Q You all know you have got to testify as to 1866? A Yes sir.
- Q And that has been talked to you for 10 or 15 years? A Yes sir.
- Q It was talked to you when the Wallace roll was made? A Yes sir, before that.
- Q What year were you married? A I don't remember, never kept no record of it.
- Q Have you got any children? A Yes sir.
- Q Do you know what year the first one was born? A No sir.
- Q It is pretty hard for an old slave to be correct about dates aint it? A Yes sir.
- Q You don't know when your second child was born do you? A No sir, I don't remember.
- Q How many did you have Joe? A I believe I have got 14.
- Q You don't know when any of them were born? A I don't remember the year they were born. The children got so they could read they put it down, I didn't keep no trace of it, I didn't have to.
- Q So you don't know about any of the dates of their birth? A I don't remember.
- Q Did you ever lose any children? A Yes sir.
- Q Was it your oldest one? A No sir.

- Q You don't remember what year it died, do you? A No sir.
- Q Did you lose more than one? A Yes sir.
- Q How many have you lost Jeff? A 8.
- Q You have lost 8? A Yes sir.
- Q You don't mean you have got 14 living? A No sir.
- Q Had 14 all together and have lost 8? A Yes sir.
- Q Do you know the year any one of them died? A No sir.
- Q You don't know any of these years do you? A Yes sir. I don't really keep track of none of the years now, but I had to keep track of '66.
- Q That is all you kept track of? A That is all I tried to keep track of.
- Q Who came to you and talked to you about testifying in this case? A Nobody.
- Q Nobody never talked to you at all as to what you would testify? A I don't remember any person.
- Q Don't remember any person ever having talked to you about testifying in this case? A I don't remember nobody.
- Q Well now you are positive about that? A No sir, I aint positive about it.
- Q I want you to tell if anybody ever talked to you about testifying in this case? A Some person I disremember who it was, whether it was Mese, I believe it was. Mese asked me if I would testify in his case.
- Q When did you see Mese, yesterday? A I saw him yesterday and I saw him sooner.
- Q When did he first talk to you about testifying in this case? A It has been about two months ago.
- Q Did you make an affidavit in this case? A No sir, I don't remember anything about that.
- Q And you don't remember how long it was after you first saw Mese before you saw his wife? A No sir, I don't remember how long it was.
- Q May have been two or three years? A No sir, it wasn't that long.
- Q May have been a year? A I don't think it was that long.
- Q You are not going to be positive about that? A No sir, I wont be positive.
- Q How long was it before you saw Jeff's wife after you saw Jeff? A Saw them about the same time.
- Q The two women? A Yes sir.
- Q Did they have any children then when you first saw them? A Yes sir.
- Q How what children did Mese have? A I don't remember the children's name, I never paid attention to them. I was very well acquainted with the men and I never paid any attention to the children.
- Q Did Jeff have any children? A Yes sir.
- Q Do you remember their names when you first saw his wife? A As well as I remember they had three children there.
- Q How far did you live from the Dr. Thompson place? A 8 miles.
- Q Were you ever up there after October? A Yes sir.
- Q When was the next time you were up there? A It as -- I don't know I wasn't up there any more until the next spring. Along in the spring I went up again.
- Q March, April or May? A Yes sir, it was in May, I think as well as I remember. Cern was up pretty good.
- Q Do you know this woman who left the stand, Jennie Downing? A Yes sir.
- Q Did you see her there when you were there the first time? A I don't remember.
- Q Did you see Nels Moore? A I don't remember seeing him.

- Q Did you see Tom Moore? A I don't remember.
Q Did you see Butler McNair? A No sir.
Q On whose place did you live 3 miles south? A I stayed on Crag Lynah's place.
Q Was Crag down there at that time? A Yes sir, he was on the old---
Q Arsenic place? A No sir, it is the old Landrum place. Charles Landrum.
Q Did you know Johnson Thompson? A Yes sir.
Q Was he living up there just across the river from this Dr. Thompson place? A I didn't see him.
Q Did you see him the next spring? A No sir.

BY MR STARR:

- Q Was it in the fall of the same year that the Horse Creek fight occurred upon Horse Creek in the Cherokee Nation that you saw Jeff Lyons and Moses Hardrick up there?

Mr. Hastings: Objected to by the representative of the Cherokee Nation as this question is about as leading as one could possibly be, because it places the material facts in the mouth of the witness and allows him to answer it by yes or no.

On Behalf of the Commissioner: The objection will be noted.

A Yes sir.

- Q Is that the way you fix the date that you saw them up there?

Mr. Hastings: Objected to because that is leading.

On Behalf of the Commissioner: The objection will be noted.

A Yes sir, that is how come me to remember.

ON BEHALF OF THE COMMISSIONER:

- Q Have you ever testified in this case before? A No sir.
Q How far do you live from Nose Hardrick now? A 40 miles I reckon.
Q Have you lived that distance from him for the last 5 years?
A Yes sir.
Q Have you seen him frequently during that time? A Yes sir, I have seen him.
Q Did you see him a number of times when the Commission was making the Cherokee roll out in camp? A Yes sir.
Q Did you ever say anything to you at that time about getting you to testify for him? A No sir.

W I T N E S S E X C U S E D .

ZEP DOWNING, being first duly sworn, testified as follows:

BY MR. PATTEN:

- Q What is your name? A Zep Downing.
Q About how old are you? A About 56 years old.
Q What is your post office address? A Catale.
Q Where were you living in the winter of 1866? A I was living On Grand River.
Q Were you acquainted with Nose Hardrick before the war? A Yes sir.
Q Did you know Jeff Lyons before the war? A Yes sir.
Q Were you acquainted with Butler McNair? A Yes sir.
Q And Tom Moore? A Yes sir.
Q Do you know or remember the first time that you saw Jeff Lyons after the close of the war, about the time? A It was about the time, along about winter, something long after February, '66, something along there.

- Q February, 1866? A Yes sir, as near as I can come at it, along in the winter.
- Q Along in what winter? A Winter of '66, along about February, latter part, might have been before.
- Q Was that February 1866 or February 1867? A It was February, '66 is what I understand.
- Q Where did you see him? A I saw him up there at the Thompson place.
- Q What Thompson place? A Dr. Thompson place.
- Q Did you ever go to school there? A Yes sir, I went to school there.
- Q Do you remember whether or not Mike Moore went to school there when you did? A Yes sir.
- Q When was that school going on there? Something along near that time or little after, along about that time.
- Q About what time? A February or March, something along there.
- Q Now that was February or March of what year? A '66, that is as near as I can come at it.
- Q Where did you first see Jeff Lyons? A There is where I first saw him over there.
- Q Was he living there or how did you happen to see him? A He had just come there then, and then shortly afterwards I saw him there and all his family.
- Q When was the first time you saw Mose Hardrick? A It was sometime shortly after that. I just don't exactly know the date but a short while after, I saw Mose Hardrick, must have been along in the latter part of that month, but it was shortly afterwards, it was in the winter.
- Q Were they moving in there or living there? A They were moving in.
- Q Do you know where they were moving in? A They were coming from across the river.
- Q You say that that was in February, or about February I believe, 1866? A Yes sir.
- Q Did that follow the year 1865 or was it,-- I want you to fix it definitely whether that was February 1866, or 1867, whether it followed 1865 or 1866? A It was February of '66.
- Q That followed then the Christmas of 1865? A Yes sir.
- Q That followed the fall of 1865? A Yes sir.

BY MR. HASTINGS:

- Q Can you read and write? A No sir.
- Q Never could read? A No sir.
- Q You were a slave yourself? A Yes sir.
- Q Did you know Jennie Downing, who was on the stand? A Yes sir.
- Q She is your wife? A Yes sir.
- Q Where were you living at the time you say you saw Jeff Lyons first? A I was living down in the bottom below old Dr. Thompson place.
- Q How far? A About 3 miles.
- Q Did you see Andy Frye up there at that time? A Yes sir.
- Q Did you see Nels Moore up there? A Yes sir.
- Q That was the same time you saw these people and it was about the last of February? A Yes sir.

ON BEHALF OF THE COMMISSIONER:

- Q Is Jennie your wife now? A Yes sir.
- Q Do you live together? A Yes sir.

BY MR. PATTEN:

- Q When did you come down here Zeb? A I come here in the early part of 1865 or '66.

- Q Now which was it? A Which?
Q When did you move on that Thompson place or in that neighborhood where you were living? A In '66.
Q What time of the year? A Along in the fall. My father was already living there.
Q Were you out of the Cherokee Nation during the war? A Yes sir.
Q You are certain that that was February 1866, and not February 1867? A It was February '66.

W I T N E S S E X C U S E D .

THOMAS H. MOORE, being first duly sworn, testified as follows:

BY MR. STARR:

- Q What is your name? A Thomas H. Moore.
Q What is your age? A 55.
Q What is your post office? A Ketchum, I.T.
Q Are you acquainted with the applicant Moses Hardrick? A Yes sir.
Q Did you know Jeff Lyons in his life time? A Yes sir.
Q Did you know Mike Moore? A Yes sir.
Q Did you know Butler McNair? A Yes sir.
Q Where were you living in the fall of 1866? A Living on Bob Daniels place.
Q Which Bob Daniels was that, or was there more than one? A Yes sir, there are two Bob Daniels.
Q Where were they located? A One is on the south side of Grand River and the other on the northwest side of Grand River.
Q Do you know where the Dr. Thompson place is located? A Yes sir.
Q Which way is one of these Bob Daniels place from Dr. Thompson, the one on the east side? A South of Dr. Thompson's place.
Q Now where is the other one? A I would call it on the north side the way the river runs.
Q How far is it from the Dr. Thompson place? A As near as I remember about a mile.
Q Did you see Jeff Lyons any time after the close of the Civil war? A Yes sir.
Q Where did you see him? A At the Dr. Thompson place.
Q When was that? A In the winter of '66.
Q What time in the winter? A Sometime along after Christmas.
Q How long after Christmas? A A short time.
Q Well about what month was it? A About in January I reckon.
Q Where was he then? A He was up at this Thompson place.
Q Did you see Mose Hardrick? A Yes sir.
Q When was that? A He lived at that Thompson place too.
Q What place did he live on? A He lived on the same place.
Q That is on Dr. Thompson's place? A Yes sir.
Q When was it you saw him there? A It was along that same spring and winter.
Q What kind of a house was there on that Dr. Thompson place? A Brick house.
Q Who was it that lived in those houses at the time you are speaking about? A Why Andy Frye.
Q Who else? A Mose Hardrick lived in one.
Q Who else? A Jeff Lyons lived there.
Q Any one else? A Tobe Schrimsher.
Q Who else? A Peter Williams.
Q Butler McNair there? A Yes sir, and Uncle Tom lived there.
Q What time was it that Andy Frye went into that house? A In the fall.

- Q Of what year? A '66.
 Q He lived there that winter did he? A Yes sir.
 Q How was there any crop made on that place during the spring of 1867? A Yes sir, I think they made a crop there.
 Q Was there any school taught there? A Yes sir.
 Q Who was the teacher? A Mrs. Lynch now, she was---
 Q What is her first name? A Cynthia Lynch.
 Q Did you go to that school? A Yes sir.
 Q Do you remember Mike Moore, whether he went to that school or not? A Yes sir.
 Q When did he go to that school? A That spring of '67 as near as I can remember.
 Q Did he go all of the session? A Yes sir.
 Q Do you remember anything about the time Harvey Frye died? A Yes sir, I know when he died.
 Q Do you know who dug the grave? A Uncle Jeff Lyons and my step-father.
 Q When did you see Butler McNair around there? A That was some time in the early part of that same spring, they were farming there all making crops there.
 Q Did Butler McNair have his wife with him when he come down here? A No sir, I don't think he did.
 Q When did she come? A I don't know.
 Q Did you ever see her? A Yes sir.
 Q When? A Why later, after that.
 Q Good while afterwards? A Yes sir.
 Q Did old man Tom Moore bring his wife down there when he first come? A No sir.
 Q When did she come? A I think the next fall after he made a crop.
 Q Did he go back to Kansas and get her? A Yes sir.
 Q Where did Butler McNair move when he left the Dr. Thompson place? A Down the river some place to the old home place where he used to live.
 Q Where did Tom Moore go to from there? Built a house right close to where my brothers live now and died right there.

BY MR. HASTINGS:

- Q What year were you born? A 1851.
 Q You was just a boy then at the close of the war? A Yes sir.
 Q You were a slave were you? A Yes sir.
 Q Could you read or write when the war closed? A I couldn't very much, have learned a little since then.
 Q I said when the war closed? A No sir.
 Q Did Andy Frye have any children to die besides Harvey? A I don't know.
 Q You lived in that same neighborhood didn't you? A Yes sir. Well he had some more to die after that.
 Q How long after Harvey died? A I don't know.
 Q Two years or 10? A I don't know.
 Q Haven't you got no better judgment, whether it was 5 or 15? A I couldn't tell you.
 Q Do you know who dug the grave? A I wasn't there. I was at the burying.
 Q About other children? A I was at the burying when they buried Joe.
 Q Was he a girl or boy? A He was a man.
 Q Do you know when he died? A I don't know the year.
 Q But you were at his burial? A Yes sir.
 Q You were there in the neighborhood when he died? A Have been there all my life.
 Q You don't know who dug that grave? A The neighborhood dug it there no certain person.

- Q Well did Mose Hardrick have any children to die? A Yes sir, he has got dead children.
- Q What were their names? A Got one dead named Winnie.
- Q Now who dug these graves for Mose Hardrick's children? A Why all the neighborhood, the men around there.
- Q You don't know who did it? A Just all of us.
- Q No particular one? A No sir, whole lot of us.
- Q What year was it? A Somewhere away back yonder in them days.
- Q Can you come in 10 years of when either of them died?
- A This girl when she died she was about grown, and I guess it has been about that long since she died.
- Q It has been about that long? A May be longer, I don't know.
- Q I am asking you if you can give us an estimate of within 10 years of when she died? A I don't know when she died or anything like that.
- Q Didn't keep any record of these dates? A No sir.
- Q Are you related to Mose Hardrick? A No sir.
- Q Are you related to Jeff Lyons? A No sir.
- Q Are you related to these Moore children? A Yes sir.
- Q Do you know Mike Moore? A Yes sir.
- Q What kin is he to you? A Yes sir.
- Q You knew his mother Mahala? A Yes sir.
- Q Was she back there with Jeff Lyons, did she come with him when he first come? A No sir, he went back and got her.
- Q Then about how old was Mike when the war closed? A I don't know, might have been 7 or 8 years old, maybe older, I don't know.
- Q What is your best judgment? A About 8, maybe 10.
- Q How old was he when he come down there after the war? A That is what I mean about that old, I suppose, I didn't know anything about his age. That is as near as I can guess at it.
- Q You don't know what year he was born? A No sir.
- Q When did you first come back to the Cherokee Nation? A Come in the fall of 1865.
- Q What place did you come to? A Stopped at Johnson Thompson place.
- Q How long did you stay there? A About four weeks.
- Q Then where did you go? A Moved across the river to the Bob Daniels place.
- Q Was that across the river? A Yes sir, on the south side of the river.
- Q How long did you stay there? A I don't know exactly how long we stayed there, just a short time.
- Q Where did you come to from there? A Fort Gibson.
- Q Then how long did you stay at Fort Gibson? A During that winter until the next spring.
- Q Stayed there from the winter of 1866 until the spring of 1867?
- A Stayed there until the spring of '66, until the winter of '66 to the spring, then we moved back.
- Q Then you remained in Fort Gibson until the spring of '66?
- A No sir, we were up-----
- Q How long did you remain in Fort Gibson? A Stayed there,--We remained there a couple of months maybe a little longer, I don't know.
- Q Well what time did you go there? A Went there that winter.
- Q Winter after Christmas and stayed there until spring, then we moved back up to this Daniels place.
- Q To the Bob Daniels place? A Yes sir.
- Q Which Bob Daniels place did you move to? A The one on the east side of the river.
- Q How far was that from the Dr. Thompson place? A About a mile and a half south I reckon.

- Q Now about what time in the spring did you go to this Daniels place? A It was along the time to farm, to make a crop.
- Q Did you make a crop there in the spring of 1866? A Yes sir.
- Q Where were you in the spring of 1867? A There on this same place.
- Q Did you make a crop there in the spring of 1867? A Yes sir.
- Q When did Bob Daniels come back? A In the fall of '66.
- Q Did he move back on this place in the fall of 1866? A Yes sir, we had to move out and he moved in.
- Q About what month? A I don't know what month.
- Q What was Bob Daniels' wife's name? A Ann Daniels.
- Q Did he have any children? A Yes sir.
- Q What were their names? A Ose, Dick, Tommy, Isaac.
- Q Mrs. Streut one of them? A Yes sir.
- Q She was up there when you moved out? A Yes sir, and Susie was one of them.
- Q They moved in there in the fall of 1866 when you moved out? A Yes sir.
- Q About what month was that? A It was in the fall.
- Q How long after that now was it before you saw Jeff Lyons and his wife down here? A Why as near as I remember, along in the spring of '67.
- Q That is when you saw Jeff Lyons and his wife? A No sir, saw Jeff along that winter.
- Q About how long after you moved out of this Bob Daniels house before you saw Jeff Lyons? A They were all living there before, Jeff and them.
- Q What time was it Jeff came there? A In the winter.
- Q You say Bob Daniels came up there in the fall of 1866 with his family and you moved out and they moved in? A Yes sir.
- Q How long after you moved out of Bob Daniels house and he moved in was it that you saw Jeff and Mahala and Wese and them others? A They were all living there.
- Q Haven't you already sworn that you didn't see them until the winter of 1866? A Yes sir, I seed them in the winter of '66.
- Q Well now you moved out of the Bob Daniel house in the fall of 1866? A As near as I remember.
- Q Well the fall come before winter, didn't it? A That was in the fall we moved out of there.
- Q Then you saw Jeff Lyons and his wife and Mike about Christmas time of that winter, is that it? A Yes sir.
- Q Now where had you moved to when you moved out of the Bob Daniels house, did you move to another house in the same place? A Yes sir, a little bit of a house.
- Q A log house or cabin? A Yes sir.
- Q And you were living in that and Bob Daniels was living in the main house? A Yes sir.
- Q When you saw Jeff and his wife and Wese Hardrick and Wese's wife, is that they way of it, along about Christmas time? A They all lived there before that.
- Q Haven't you sworn that you never saw them until the winter? A I saw them the winter of '66.
- Q Haven't you sworn that you moved out of the Bob Daniels house in the fall of 1866? A Yes sir.
- Q Now don't the fall come before winter? A Yes sir.
- Q Then you had moved out of the Bob Daniels house, the main house in a smaller house when you first saw Jeff and Wese and their wives? A I saw them before that: Them people were all living there before we moved out.
- Q You moved out of the house in the fall of 1866? A Yes sir.
- Q You are a half brother of Mike, are you? A Yes sir.
- Q Are you any kin to Hels? A Yes sir.

- Q Have you and Nels been discussing the case? A No sir.
- Q Didn't I see you not half an hour ago down there talking about it? A I don't know whether you did or not.
- Q Were you not? A I don't know.
- Q Do you deny talking about it? A No sir, might have been talking about something else.
- Q This same man Nels is a witness here? A Yes sir.
- Q You have talked about it? A Yes sir.
- Q You and Andy wry have talked about it? A Yes sir.
- Q Are you married? A Yes sir.
- Q Certain of that? A Yes sir.
- Q I am glad you are certain of something. What year were you married? A Married in '91.
- Q Was that the first time you were ever married? A Yes sir.
- Q Then you lived single up until that time? A Yes sir.
- Q Just went from place to place up there? A No sir.
- Q Do you know when the Wallace roll was made? A Yes sir.
- Q What year? A Made in 1889.
- Q Who told you? A I was there.
- Q Did Gale Starr tell you today? A No sir, I was there.
- Q Has he ever told you? A Has he?
- Q Yes, in the last few days? A No sir, he didn't tell me.
- Q Was it ever been discussed? A No sir, I don't know nothing about it.
- Q Has it ever been discussed in your presence and hearing? A I have been knowing it.
- Q Has it been discussed in the last day or two in your hearing that I was likely to ask that question? A No sir.
- Q You never heard the Wallace roll mentioned in the last two or three days? A Might have heard it mentioned but I never kept no count of that.
- Q Did you stay on the Bob Daniels place the following year after Bob Daniels returned in the fall? A No sir.
- Q How long did you stay there after Bob Daniels come back? A Short time, a week or two, maybe a month.
- Q Then where did you go? A Right where we have been living ever since.
- Q How far is that from them? A About three miles.
- Q What direction? A Why it is northeast.
- Q What time did you move up there, what time of the year? A We moved up there in the ~~xx~~ spring.
- Q I thought you said you stayed there a week or two after Bob Daniels come back and he come in the fall? A Well now it may have been, I may be mistaken.
- Q It is a long time ago aint it Tom? A Yes sir.
- Q You were a small boy at that time? A Yes sir.
- Q You had no reason to fix these things on your mind and you didn't know you were going to testify about 40 years afterwards? A No sir.
- Q So you might be mistaken about it? A Yes sir.

BY MR. STARR:

- Q When did you say you were born? A '51.
- Q You were about 15 years old at that time? A Yes sir.
- Q How was it in the fall of 1866 or fall of 1867 that you moved off the Daniel place? A It was in the fall--
- Q Was it the fall after you went to school to Cynthia Lynch? A Yes sir.
- Q Was it the fall after Harvey Frye died? A Yes sir, we were living up where we live now when Harvey Frye died.
- Q Where were you living when Harvey Frye died? A Living where I live now.

- Q Well now at this time that Harvey vrye died were you going to school at this Dr. Thompson place? A Yes sir.
- Q Was Andy vrye and his family living in the Dr. Thompson house then? A Yes sir.
- Q How about the school when Harvey died, did they teach school that day? A No sir.
- Q Turned out school on that occasion? A Yes sir.
- Q Did the pupils going to school attend the funeral? A Yes sir.
- Q Was Mike Moore at that funeral?

Mr. Hastings: I want to object to these leading questions.

On Behalf of the Commissioner: The objection will be noted.

A All of us, yes sir, he was going to ~~sk~~ school.

BY MR. HASTINGS:

- Q That was after you moved off of the Bob Daniels place? A Yes sir.
- Q And that was after Bob Daniels had moved into the same house you moved out of? A Yes sir.
- Q About how long after that? A It was along in February, that spring, the spring of '67
- Q It was along in the spring after you moved away from the Bob Daniels place? A Yes sir.
- Q And after Bob Daniels had moved back into the house the next spring? A Yes sir.

BY MR. STARR:

- Q When did Bob Daniels move up there? A He moved there that fall we moved out as near as I remember.

W I T N E S S E X C U S E D .

SIMON LYNCH, being first duly sworn, testified as follows;

BY MR. PATTEN:

- Q What is your name? A Simon Lynch.
- Q How old are you? A 76.
- Q What is your post office address? A Spavinaw.

BY MR. HASTINGS:

- Q Were you ever convicted of larceny in the Cherokee Courts? A Yes sir, I was.
- Q Convicted? A Yes sir.
- Q Served your time? A No sir, I didn't.
- Q Didn't you go to the Cherokee Penitentiary at Tahlequah? A No sir, I went there and stayed about a hour and I was repleved.
- Q Didn't you work it out for individuals and you worked for Johnson Thompson at Tahlequah? A I was repleved by the Chief.
- Q Did you ever swear that before on the stand? A No sir, but I was.
- Q What year was that? A I don't know what year it was.
- Q Was it since the war? A Yes sir.
- Q How long after the war? A I don't know.
- Q Don't have any idea? A No sir.
- Q Was it after the Cherokee Jail was built or before? A Afterwards.
- Q How long did you stay in and about Tahlequah? A I stayed there 3 or 4 weeks.
- Q How long were you sentenced down there? A Year
- Q What Judge tried you? A I forget what one it was.
- Q What Chief repleved you? A Ochelata.

BY MR. PATTEN:

- Q You testified I believe didn't you in the Wayfield that you were pardoned by Oshelata? A Yes sir.
- Q Were you acquainted with Mose Hardrick before the war? A Yes sir.
- Q Were you acquainted with Butler McNair? A Yes sir.
- Q Jeff Lyons? A Yes sir.
- Q Tom Moore? A Yes sir.
- Q Do you know when was the first time you saw Mose Hardrick after the close of the war, about the time? A I don't know exactly the time.
- Q When was it and where was it? A Upon Grand River.
- Q About what time of the year? A About in February, I believe, the first of February I think I saw Mose first.
- Q Where was he living? A Living over there at Dr. Thompson place right close there in a house.
- Q When was the first time you saw Jeff Lyons? A Just before Christmas before that.
- Q Where did you see Jeff? A Over there in Six Mile Bottom, I was at George Clark's.
- Q That was about when did you say? A Just while before Christmas.
- Q You say you saw Jeff Lyons one place and Mose Hardrick another there, was that on different sides of the River? A Yes sir.
- Q Now which one was it that you say that you saw on the Dr. Thompson place? A Jeff Lyons lived there first.
- Q And at that time where was Mose Hardrick if you know? A He was camped there until he got that Cherokee house, then he went in it.
- Q That was about what time that he was camped on the Creek? A I can't just recollect just what time but then it was somewhere about the first of February.
- Q And at that time you say Jeff Lyons was living where? A At Dr. Thompson's place.
- Q That was in what year? A That was in '66, winter of '66.

BY MR. HASTINGS:

- Q You don't know what year you were tried? A No sir, I don't know nothing about what year I was tried.
- Q You don't know what year you were reprieved? A No sir, I don't I can't keep no record of that, never did, couldn't.
- Q Couldn't do that? A No sir.
- Q You don't know one year from another, do you? A Yes sir, I do.
- Q Can you read and write? A No sir.
- Q You were a slave yourself? A Yes sir, I was.
- Q Do you know this Tom Moore that was on the stand awhile ago? A Yes sir.
- Q Where was he living when you saw Jeff Lyons? A He was living at the Bob Daniels place there on the river with his mother and father.
- Q Did he move out of there in the fall of 1866? A What?
- Q Tom Moore? A I don't just know when he did move out of there.
- Q You don't remember about that? A No sir, I lived at another place.
- Q How far did you live from there? A About four miles.
- Q Were you married then? A Yes sir.
- Q Have you had any children born since? A Yes sir.
- Q Since then? A Yes sir.
- Q When was the first one born? A I don't know that.
- Q How many have you had born since the war? A Three I believe.
- Q When was the second one born? A I don't know, I can't tell you.
- Q When was the third one born? A I don't know that either, never kept no record of no time.

- Q Did you ever have any renters on your place? A Yes sir.
Q What renter was on there in 1883? A I don't know.
Q What renter was on there in 1896? A None one, myself.
Q Was any there in 1896? A Yes sir.
Q Do you know when Bob Daniels came back up there? A Yes sir.
Q When? A I don't know when it was, I know he come back up there.
Q On the Bob Daniels place? A Yes sir.
Q Why don't you know when it was, you were in that neighborhood?
A I can't keep no record of anything of that kind. Now ix I know
how old I am is about my owners putting it down.
Q That is about the only date you know? A Ye sir.
Q You know what year Johnson Thompson come back up there? A I know
when he first come.
Q What year did he move up there? A I don't know, I seen him when
he first come.
Q What year did he move his family up there? A I don't know.
Q You were just acquainted with him before the war? A Yes sir,
knowed him good.
Q He moved right across the river from Dr. Thompson's place? A
Yes sir.
Q You belonged to relatives of his? A Yes sir, belonged to his
Uncle.
Q Could you tell within two or three years of when he come? A No
sir, I don't believe I could.
Q You couldn't tell within two or three years when Bob Daniels
come? A I don't know when he did come, he come way after we
did.
Q What year was it that Tom Moore moved off the Bob Daniels place?
A I don't know.
Q Haven't any idea about that? A No sir.
Q Well was Butler McNair living there at the same time you first
saw these people? A We come in about the same time.
Q Before Christmas, 1886? A Yes sir.
Q What was Butler's wife's name? A We didn't bring her there
with him, he left her in Kansas and come down here and made a
crop.
Q What was her name? A I forget her name.
Q Did Jeff bring his wife? A No sir.
Q Left her in Kansas did he? A Yes sir.
Q Left Mike in Kansas too? A I don't recollect about Mike.
Q You don't never remember seeing Mike? A Yes sir, I do.
Q How long after you saw Jeff was it before you saw Mike? A I
couldn't tell, I don't recollect.
Q Now if any of these other witnesses testified that they brought
their families when they come they are mistaken? A Yes sir, they
didn't bring them.
Q Well how long after Jeff and Mose come before they brought their
families? A After they made a crop, the next fall.
Q When did Tom Moore bring his family? A Petched them together.
Q In the fall? A Yes sir.
Q So none of them didn't bring their families until the next fall?
A Uncle Butler didn't, the balance did.
Q I thought you said Jeff Lyons didn't bring his family until the
next fall? A Well it was just a mistake in me. Them other two
didn't bring their families.
Q Did Jeff Lyons have his wife there when you first saw him? A Yes
sir.
Q What was her name? A Mahala.
Q Now you just testified that you never saw Mike Moore until way
afterwards? A I didn't say I saw Mike now.
Q Did you ever see him after that? A Yes sir.
Q How long after that? A I don't recollect.

- Q A year? A It might have been a year and it might not.
Q When did you see Wese's family? A I seen them right along all the time ever since in the fall.
Q Did he have his wife with him? A Yes sir.
Q Did Wese live in that Dr. Thompson house there with the rest of them? A He lived in a Cherokee house.
Q He never lived in a main house there? A I don't know nothing about that.

W I T N E S S E X C U S E D .

TOBE BEAN, being first duly sworn, testified as follows:

BY MR. STARR:

- Q What is your name? A Tobe Bean.
Q What is your age? A About 70.
Q What is your post office? A Ketchum.
Q What is your citizenship, are you a citizen of the Cherokee Nation?
A Yes sir.
Q Where were you in the fall of 1866? A Down here on Grand River.
Q What time did you come back? A In the first of the fall sometime, I don't know the exact date.
Q Were you acquainted with Jeff Lyons during his life time? A Yes sir.
Q Acquainted with Wese Hardrick? A Yes sir.
Q Did you know Mike Moore? A Yes sir.
Q When did you see Jeff Lyons in the Cherokee Nation after the close of the Civil War? A About in '67.
Q What time? A In February.
Q Where was he at that time? A Over there at that Thompson place in the brick house.
Q Are you acquainted with his wife? A Yes sir, I seed her after, didn't see her at that time.
Q Did you see Wese Hardrick over there? A Yes sir.
Q When was that? A The same time I saw Jeff.
Q What time was that? A In February.
Q What part of February? A Along about the first of the year.
Q The first of February of 1867? A Yes sir.

BY MR. HASTINGS:

- Q Tobe you were a slave before the war? A Yes sir.
Q Your name is Tobias Bean? A Yes sir.
Q You never went to school any? A No sir.
Q You didn't at the close of the war know one year from another?
A Only people would tell me.
Q That is all you have known about it since then? A Yes sir, that is all I know, just what people tell me, had no record or nothing.
Q Never kept any record? A No sir.
Q And you haven't kept any record of this transaction? A No sir.
Q You are just testifying independently of any record? A Just what I know.
Q Did you know young Tom Moore who has testified in here today?
A Yes sir.
Q Where was he living when you first saw Jeff Lyons and his wife?
A Over there on the other side of the river.
Q On the Bob Daniels place? A On the Thompson place I reckon, one of them.
Q On the Dr. Thompson place? A Yes sir.
Q Was he living there when you saw Jeff Lyons and Wese? A No sir, I saw them at Andy Frye's house.

- Q Where did you see Tom Moore, this fellow that testified? A He was there in the neighborhood somewhere.
- Q At what place was he living? A He was living there, I can't tell you exactly, I saw him at Andy's.
- Q Did he ever live on that Bob Daniels place, Tom Moore? A Yes sir, I think he was living there with his step-father.
- Q What was his step-father's name? A Lewis Rowe.
- Q Was he living there when Bob Daniels returned? A Yes sir, I think he was.
- Q When was that? A Must have been in '67.
- Q What time of the year? A Along in the spring I guess.
- Q Had he moved out of this place before you saw Jeff Lyons and Mose Hardrick? A I don't know whether he had moved or not, I saw him there where Andy Frye was living. I happened over there and saw him.
- Q Just happened over there by accident? A I had some business there.
- Q You saw Jeff's wife? A I don't think I did.
- Q Never saw Mose's wife there? A No sir.
- Q It has been a long time ago hasn't it Tobe? A Yes sir.
- Q A fellow 40 years ago when just dependent on his recollection might be mistaken one or two or three years, mightn't he? A Yes sir, sometimes.
- Q Have you had any children born since the war? A Yes sir.
- Q What year was the first one born? A In '66.
- Q What time in 1866? A In April.
- Q Where was the first one born, in the Cherokee Nation, what year? That one was born in Kansas? A Must have been born about '80 I think.
- Q You are not positive as to the year? A No sir, I aint positive of it. I can't keep any record.
- Q When was the next one born? What year? A '78 I think.
- Q Which comes first, '78 or '80 A '78.
- Q Well I thought you said just now the one born in '80 was first?
- A That one was born,--the girl was born in '80, the boy was born about '78.
- Q Now how far is the Johnson Thompson place from this Dr. Thompson place? A A couple of miles the way you go around.
- Q Just across the River aint it? A Yes sir.
- Q When did Johnson Thompson come back? A I don't know.
- Q Could you tell within five years? A Yes sir, I guess I could. Come back in about '67 I guess, '68 somewhere along there. I didn't live right close to where he lived.
- Q You lived close to the Dr. Thompson place? A I lived about 8 miles.
- Q You didn't see Mose's wife when you went up there? A No sir, not the first time.
- Q How long was it that you did see his wife? A It was a way along in the spring.
- Q Did he tell you where his wife was? A No sir, I just happened to go by there and saw him, I had been acquainted with him before the war.
- Q Now you just remember of your own independent recollect of seeing this fellow when you passed there? A I stopped and talked with him.
- Q Do you remember any other man you saw there in the spring of 1867? A Yes sir, Andy Frye.
- Q Who else that didn't live there? A Uncle Lewis Rowe.
- Q Up at the Dr. Thompson place? A Yes sir.
- Q Live there? A No sir, I just went there and stopped and saw him there.
- Q In 1867? A Yes sir.

- Q Where were you going? A Up to Andy's.
Q I thought you said you were passing there? A I did pass there.
Q Didn't you go to that place? A Yes sir, then I had to go around to get home.
Q Don't you know Wose and his wife was living in the house then?
A No sir, I never went in the house.
Q Did you see Tom Moore and his wife there, old Tom and his wife?
A I don't recollect seeing them.
Q Didn't recollect seeing Butler and his wife? A No sir.
Q You don't recollect that? A No sir.
Q You testified before the Commission at Chelsea on June 12, 1901; in the matter of the application of Ben Adams didn't you? A Yes sir.
Q You testified that his father's name was Warren Adams? A Yes sir.
Q You testified that his mother's name was Ibbie? A Yes sir.
Q And you testified they they returned the latter part of 1866, didn't you? A It was '67 when I said they returned.
Q Well now what time did you say that Warren Adams and his wife Ibbie, the parents of this Ben Adams, return? A I said in the spring of '67.
Q What time did you say you saw them? A In the early spring.
Q What month? A In March.
Q I will ask you if in answer to this question, referring to Warren and Ibbie Adams, "When did they return," if you didn't answer "In '66, along about the latter part of '66." "They have this child Ben with them when they returned?" Answer "Yes sir." "Where did they go up on Grand River," "How do you know they returned in 1866," Answer, "I saw them," I will ask you if you didn't testify to that in that case before the Commission at Chelsea on June 12, 1901? A I think it was '66 or '67.
Q You can say yes or no? A It was '67 I testified to.
Q You swear you didn't say it then? A Well I swear it—
Q And you don't know when Bob Daniels come back? A No sir.
Q And you don't know when Johnson Thompson come back? A I was living down the river.
Q They located within a mile of this Dr. Thompson place? A Yes sir.
Q And you can't tell within a year of when they come? A I think it was in the winter of '66, I would not be certain, I couldn't swear to it, I don't recollect of these things like you folks.
Q Who asked you first to testify in this case? A I don't know who. I have been testifying ever since Bob Daniels court.
Q Bob Daniels was the man in the Court and he owned Mahala Jeff Lyons' wife? A I guess he is the same man.
Q Now you claim that this Jeff Lyons came back there within a mile of his wife's old owner, Bob Daniels? A Yes sir.
Q Bob Daniels was an educated man? A Yes sir.
Q On the Supreme Bench of the Cherokee Nation? A Yes sir.

W I T N E S S E X C U S E D .

Mr. Starr: The applicants ask to introduce the testimony of this witness in the cases of the descendants of Jeff and Mahala Lyons and Mike Moore in reference to the return of the wife of Butler McFair, and the wife of Thomas Moore.

WELSON MOORE, being first duly sworn, testified as follows:

BY MR. STARR:

- Q What is your name? A Nelson Moore.
Q What is your age? A Will be 53 my birth day.
Q What is your post office? A Ketchum.

- Q Were you acquainted with Jeff Lyons during his life time? A Yes sir.
- Q Were you acquainted with his wife? A Yes sir.
- Q What was her name? A Mahala.
- Q Were you acquainted with Mike Moore? A Yes sir.
- Q Are you acquainted with the applicants, Altha and Oscar Moore? A Yes sir.
- Q Who is their father? A Mike Moore.
- Q Are you acquainted with Butler McNair? A Yes sir.
- Q Acquainted with his wife? A Yes sir.
- Q Acquainted with Tom Moore? A Yes sir.
- Q His wife? A Yes sir.
- Q Did you see Jeff Lyons after the close of the Civil war in the Cherokee Nation? A Yes sir.
- Q When was that? A The first time I remember seeing Jeff was in the latter part of December or first of January, '66.
- Q The latter part of December, 1866? A Yes sir.
- Q Or January? A January first.
- Q The following January after December, 1866? A Yes sir.
- Q Where was he then? A On the Dr. Thompson place.
- Q Who did he have with him? A His wife, Mahala, and Mike Moore.
- Q And who else? A A girl named Anika, his stepdaughter.
- Q How long did he stay over there? A Did he bring Mike Moore to the Cherokee Nation with him? A Yes sir.
- Q How long did he stay on that Dr. Thompson place? A He made a crop there.
- Q What year did he make a crop on the Dr. Thompson place? A '67.
- Q Did you see Butler McNair at any time down there? A Yes sir.
- Q When was that? A That was in the same year.
- Q What time did he come? A He come along about the winter time too.
- Q Who come with him? A Uncle Tom.
- Q Tom who? A Moore.
- Q Who else? A Why there was several of them, I don't remember who all were with them at that time.
- Q Did he come the same time Jeff Lyons came? A Yes sir.
- Q Now when did Tom Moore's wife come? A In the fall after that, of '67.
- Q When did Butler McNair's wife come? A The same time after they made a crop in '67.
- Q Where did Tom Moore move to after he left Dr. Thompson's place? A Right out about a half mile south of there and made a new place there.
- Q Make a place of his own? A Yes sir.
- Q How long did he live there? A Why he lived there up until he died in '88.
- Q You say a girl named Anika was stayin with Jeff Lyons? A Yes sir.
- Q Did you see a woman named Peggie Durant with that crowd? A No sir.
- BY MR. HASTINGS:
- Q You are the same Nelson Moore who testified in the case of Moses Hardrick before the Commission to the Five Civilized Tribes on February 5, 1902, are you? A Yes sir, I guess I am the same fellow.
- Q You gave your age 4 years ago as being 46 and your post office Ketchum? A Yes sir.
- Q And your District Delaware District? A Yes sir.
- Q You are the same Nelson Moore who testified in this case at that time? A Yes sir.
- Q Are you related to Mike Moore? A He is a half brother of mine.

- Q When were you spoken to to come here as a witness in this case today? A It has been a good while.
- Q Who did you talk to about it? A Why the little boys, Alf and Oscar first asked me.
- Q Did you after wards talked to Mr. Starr or Patten? A Yes sir, I talked to Mr. Starr some about the case.

WITNESSES EXCUSED.

ARTHUR BEAN, being first duly sworn, testified as follows:

BY MR. PATTEN:

- Q State your name? A Arthur Bean.
- Q How old are you? A 63.
- Q What is your post office address? A Chaffee, Indian Territory.
- Q Were you acquainted with Moses Hardrick before the war? A Yes sir.
- Q Were you acquainted with Jeff Lyons? A Yes sir.
- Q Were you acquainted with Tom Moore? A Yes sir, I got acquainted with him since the war.
- Q Do you remember of seeing Jeff Lyons in the Cherokee Nation after the close of the war? A Yes sir.
- Q When was the first time you remember of having seen him? A I guess it was along in the winter after Christmas awhile.
- Q The winter of what year? A I guess it must have been '67 when I seen Jeff Lyons.
- Q You mean the winter? A Of '67.
- Q You mean it was following the Christmas of '66? A Yes sir.
- Q Where did you see him? A Down to,--I seen Mose down in that country.
- Q Mose who? A Mose Hardrick.
- Q Where did you see him? A Down to Uncle Fred Martin's.
- Q Where is that? A Down to Greenbriar.
- Q Where was Mose living at that time, do you know? A He said up in the Arsenic settlement.
- Q Where was it? A About 8 miles above where we were.
- Q When was the first time you saw Jeff Lyons? A Along about that time, sometime about then. A I didn't see Jeff the time I seen Mose, saw Jeff later on.
- Q At what place did you see him? A I don't know just exactly what place that was but it was somewhere down there about Uncle Griffin, Grand-dad Griffin was his name, he lived across the River in the Six Mile Bottom.
- Q These times you fix as seeing Mose Hardrick and Jeff Lyons is about when? A About February I suppose.
- Q Of what year? A '67 I guess.
- Q Do you know where Tom Moore and Butler Nevair were at that time? A No sir.
- Q When was the first time you saw them? A I never seen them until way after that.
- Q Didn't see him until later on? A No sir, I wasn't acquainted with them until after that.

BY MR. HASTINGS:

- Q You never saw neither Mose nor Jeff until February, 1867? A Yes sir.
- Q That is your first time? A Yes sir, as well as I recollect.
- Q You are now testifying from your independent recollection, you haven't got anything to guide you by? A I never did have nothing to guide me by; only what I have to testify about.

- Q That has been a long time ago? A Yes sir, so it has.
- Q And it is pretty difficult to testify about things that happened, without some special notes be made of them? A Yes sir. I can think of a good many things done before the war.
- Q Can you read and write? A No sir.
- Q You were a slave before the war? A Yes sir.
- Q Where was this young Tom Moore living when you first saw Nese and Jeff? A I don't know sir, he must have been living with his Uncle Tom.
- Q Were you acquainted with Nese before the war? A Yes sir, lived about two miles of him.
- Q Before the war? A Yes sir.
- Q Are you a brother of Tom who was on the stand awhile ago? A Yes sir.
- Q And Jeff? A Yes sir.
- Q When were you first talked to about testifying in this case? A I never talked about it to no one more than Uncle Nese asked me to come down on his case.
- Q When? A About a year ago I guess. I never went before the Commission on Neses came at all and he asked me to testify for him in the case.
- Q Where were you when he asked you? A I don't know where we met very frequently at visits.
- Q What month was it he asked you to testify? A I don't remember what month that was.
- Q And that was about a year ago? A Yes sir, and I didn't know any more about the case until he come to me and told me.
- Q You don't remember what month it was? A No sir.
- Q If you can't remember a month that happened a year ago, how is it you can remember things that happened forty years ago? A 40 years ago, because it strikes my mind more than them do now.
- Q You were about 23 years old then? A Yes sir, I guess so.
- Q Are you married? A Yes sir.
- Q When were you married? A I guess in about '68, I guess or '67.
- Q You don't remember the year? A No sir.
- Q You couldn't tell that? A I couldn't tell, I have got it in my book.
- Q But you cannot tell that independently? A I was married in '68 if I mistake not.
- Q Was it 1867 or '68? A I think it was '68.
- Q Are you positive about it? A I am pretty near positive but I went unsure. If I was at home I would tell you, I would go by my book.
- Q You are not willing to trust your memory as well as you are the book? A No sir.
- Q If it wasn't for the book you couldn't tell? A I recollect back when I was a little slave boy.
- Q I am asking you now when your first child was born? A I couldn't tell about that.
- Q How many children did you have? A I got two children living and 6 or 7 or 8 dead.
- Q When did your first child die? A That has slipped my remembrance.
- Q It has been a good long while? A Yes sir.
- Q You couldn't trust your recollection to that could you? A No sir.
- Q A man uneducated and a slave couldn't trust his memory to dates, could he? A No sir, not what year.
- Q And you don't know when any single one of them were born? A I know one of them was born in February, but I don't remember the year.
- Q When did Bob Daniels come back up in that country? A About '67.

- Q What time in 1867? A I don't know just what time.
Q In January? A It might have been January, but it was in that year sometime I think.
Q Well do you think it was in January, or December? A I don't know I couldn't say which year it was. It might have been in September and it might have been in October, I don't know just what time it was.
Q You said it might have been in January, awhile ago? A It might have been and it might have been some other month.
Q What time did Johnson come back up there? A I don't remember just what time he come.
Q You don't remember the year? A No sir.
Q You don't remember on whose place this fellow Tom Moore lived on in the year of 1866? A No sir, I don't know anything about that. I wasn't acquainted with these boys, Tom Moore and old man Moore then.
Q Never saw Butler McNair for a long time? A No sir, there was two, Butler McNair, old man, I never saw him for quite a while.
Q How long afterwards before you saw old Tom Moore? A Not very long.
Q Five years? A I guess it might have been a shorter time than that.
Q Your best judgment, what was it? A I don't know anything about when I seen Tom.
Q Well now your brother Joe married? A Yes sir.
Q What year did he marry in? A I couldn't tell you that, he has been married twice.
Q Do you know when he married either time? A I know he was married but I don't keep affairs of his marriage contract, if I could keep record of these things, I could remember them.

WITNESSES EXCUSED:

ANDY FRYE, being first duly sworn, testified as follows:

BY MR. STARR:

- Q What is your name? A Andy Frye.
Q What is your age? A Either 73 or 74.
Q What is your post office? A Ketchum, Indian Territory.
Q Where were you living in the fall of 1866? A I was living across the river there east of where I live.
Q On what place were you living? A I was living on the Thompson place.
Q Known as the Dr. Thompson place? A Yes sir.
Q What time did you move on to that place? A I moved there in October.
Q What year? A '66.
Q Are you acquainted with the applicant, Moses Hardrick? A Yes sir.
Q Were you acquainted with him when the war came up? A Yes sir.
Q When did you see him after the close of the Civil war? A See him in '66,--along in '67.
Q Where was it you saw him in 1867? A He moved in there on Dr. Thompson's place along in February, '67.
Q What time in February? A Along about the first of February.
Q How long did he live on the Dr. Thompson place? A He made one crop there.
Q Where did he go to from there? A Just south of there, I don't know how far.
Q Where did you move to from the Dr. Thompson place? A I moved a little southwest of there, right south of the place in the River bottom.

- Q Who moved on to the Dr. Thompson place after you moved away?
A Mr. Parks.
Q Were you acquainted with Butler McVair? A Yes sir.
Q When did he come down in that part of the country where you were living? A He came down there in '67, in the spring of '67.
Q What time in 1867, what month? A Along in February.
Q Did he have his wife with him? A No sir.
Q What was his wife's name? A Betsey.
Q Where was she then? A In Kansas.
Q When did she come? A She come along in July or September, somewhere along there.
Q Did Butler come back after her? A Yes sir.
Q How when Tom Moore came, when was that? A Him and Butler come together.
Q Did Tom Moore bring his wife? A No sir.
Q When did she come? A The same time Butler went back and brought her. They went and come together.
Q Now where did Tom Moore go to after he moved off the Dr. Thompson place? A He built him a house right south of there between that and old man Daniels place.
Q Built a house of his own? A Yes sir.
Q He and his wife live down there? A Yes sir.
Q Did you see a woman named Faggie Lynch or Durant down in there at that time? A No sir.
Q She didn't come with that crowd at that time? A No sir.

BY MR. HASTINGS:

- Q Jeff Lyons didn't come with them did he? A He come before they did.
Q What is Jeff's wife's name? A Mahala.
Q Did he have his wife with him? A Yes sir.

Mr. Starr: The applicants object to the testimony concerning Jeff Lyons, he testified before along that and it was gone into fully.

On behalf of the Commissioner: The objection will be noted.

- Q What time did Jeff Lyons bring his wife down her? A It was along in December, sometime before Christmas.
Q Then Jeff and Wese didn't come together? A No sir.
Q Wese come after that? A Yes sir, he come after Jeff come.
Q When did Wese bring his wife down there? A Wese brought his wife with him when he come.
Q The first time? A Yes sir.
Q That was in the spring of 1867? A Yes sir. I don't know, it might have been along about the first of February, it was after Christmas.
Q It might have been as late as March when the grass come up? A Yes sir but I think it was in February.
Q You are not positive as to that? A I cannot keep the dates.
Q If Wese Moore testified he come about the time grass comes up in the spring of 1867, you think he is about right? A I don't know.
Q You don't want to contradict that? A I want contradict nothing.
Q This Mahala was a slave of Bob Daniels? A Yes sir.
Q And he moved up there right after the war? A I don't know, he moved there after I went there, I don't know how long it was before he come.
Q How far was it from you where he located? A Only about a mile and a half.
Q And you don't remember just when he came? A I don't remember just exactly but I think it was in '67, I mint certain.

- Q Rob Daniels is the same man that sat on that Court in 1871? A Yes sir.
- Q And he owned this Mahala Lyons? A Yes sir.
- Q And you say they came before any of these others that you have mentioned? A Yes sir.
- Q You are positive about that? A Yes sir, I am positive, I knew they did.
- Q Where did Jeff and Mahala live the first winter? A Why Jeff moved over there, camped over there on Kell's place, and stayed there in camp and Kell come in about the time Jeff come in.
- Q Did Jeff work for Kell over there a while? A Yes sir.
- Q About how long? A About three weeks.
- Q That runed him over to the spring? A Runed him over until along in January.
- Q Then where did he go? A Come over to see me and wanted to see if he could get any place to make a crop.
- Q Well did he come over there? A Yes sir.
- Q Did you permit him to make a crop over there? A Yes sir.
- Q When did he move over to your house? A He moved over about the first of February.
- Q Then he never lived at your house before the first of February, 1867? A No sir.
- Q Then if any of these witnesses testified that he was living there in your house on the Dr. Thompson place prior to that time, they are mistaken are they? A Well he never lived there, because he never come there until the first of February.
- Q Never come there did he? A He come in January to see me.
- Q Never come there to live? A No sir, not until the first of February.
- Q How far is the Lewis Kell place from the Dr. Thompson place? A It must be between 4 and 5 miles.
- Q The same time they were living up at your place Bob Daniels was down there and he was the old owner of this Mahala? A Yes sir.
- Q How long after that before Butler McNair come? A He come back in the spring of '67, along in February, somewhere. Come in time to make a crop.
- Q Well if Judge Clark and Hela Moore say he come there after the grass began to grow in the spring of 1867, are you prepared to dispute that?

Mr. Starr: Objected to for the reason that the testimony of Judge Clark does not show the statement of facts as stated by Mr. Hastings:

On Behalf of the Commissioner: The objection will be noted.

- A No sir, I want dispute it because the grass was there early that spring. We had green grass about all winter.
- Q You wont dispute that? A No sir, we had green grass all winter.
- Q Then none of these four people lived in that house with you that winter before February? A No sir, I don't think there was a one there before February 1, '67.
- Q You have got nothing in which--no book to indicate it was the first of February, or March, or last of January? A No sir.
- Q You are just guessing at it? A Yes sir.
- Q Using your own independent recollection? A Yes sir, I think it was about that time.
- Q And you are not right certain about it, you are just testifying from memory? A Yes sir.
- Q And you don't know when Bob Daniels came back? A I don't know the date he came back.

- Q You don't know when Johnson Thompson come back? A No sir, but I think he come back before Mr. Daniels.
- Q What time do you think Johnson Thompson come back? A I couldn't say. I know he was there first.
- Q Do you know whether he come in 1867 or '68, or '69? A He must have come in the fall of '66.
- Q Did you testify before the Commission at Vinita on May 16, 1901, in the matter of the application of Sam Landrum for the enrollment of himself, wife and children? A Which Sam Landrum, there are two or three Sam Landrums?
- Q The one whose post office address is Spavinaw? A I don't know, it seems like to me I did.
- Q You don't know whether you testified in that case? A I don't know, I might have, I think I testified for him somewhere.
- Q Did you know the father of Sam Landrum? A If it is the one I am thinking about, it is Dan Landrum.
- Q It is this same one whose father is Dan Landrum commonly known as Bony Dan? A Yes sir, that is the fellow.
- Q You testified did you in that case? A Yes sir.
- Q You testified when he come back, that he come back in 1866? A Yes sir, he come back in '66.
- Q You are the same party who testified in that case? A Yes sir, I testified for Sam.

BY MR. STARR:

- Q Bony Dan did come back in 1866? A Yes sir.
- Q Did you have a child to die after the close of the war? A I had one to die, two or three but since then.
- Q One named Harvey? A Yes sir.
- Q When did he die? A March 11, I believe.
- Q What year? A That was in '67.
- Q Who dug Harvey's grave? A Jeff Lyons.
- Q Now where did Jeff Lyons live before he went on this Kell place? A He wasn't living anywhere, only in camp, he camped over on Cabin Creek.
- Q Had been camping there prior to when he went on Kell's place? A Yes sir.
- Q What was your next child's name that died? A Lula.
- Q When did she die? A In '67.
- Q What date? A Along in September, I don't know exactly the date.
- Q Who dug this grave? A I don't remember, I believe Lewis Rowe.
- Q You are not certain about that? A No sir.
- Q When did the next one die? A I couldn't tell, he was grown and married and had a wife and one child.

BY MR. HASTINGS:

- Q You don't know what year he died? A I don't know.
- Q Who dug his grave? A There was several of them dug it. After we brought him home the neighbors just turned out and dug it.

BY MR. STARR:

- Q Did you ever testify before the Commission something about getting a mule, you and Cap Hicks? A Yes sir, I testified that Aaron Martin give us a mule.
- Q Explain that mule deal? A I had witnesses for him once before and he never paid me nothing, and he wanted me to witness for him again in this court and I told him he would have to pay me the money, or put up something as good as the money.
- Q What did he do? A I told him I couldn't afford to lay there without any pay and come from home for nothing.
- Q Did you and Hicks get the mule? A Then he told me he had to have another witness and he give us that mule for our expenses and our witness fees.

- 3-
- Q How long did you attend before the Commission at that time? A There about two weeks before we got into it.
- Q What was the mule worth? A I gave Dan Tucker \$12.50 for his part.
- Q What part did he have? A I had \$12.50.
- Q The mule was worth \$25.00? A Yes sir.
- Q Have you testified for the Cherokee Nation since then? A I testified once for them down here.
- Q What did they give you? A They allowed me \$12.50.
- Q How long did you attend the Commission then? A I think I was two or three days, about three days I think.
- Q Now that three days attendance, your mileage and time for the Cherokee nation amounted to \$12.50, did it? A Yes sir.
- Q And about two weeks attendance in this other case, your mileage and time only amounted to about \$12.50? A That is all I got out of the mule.

BY MR. HASTINGS:

- Q Did the Cherokee Nation pay you anything more or offer to pay you anything more than \$2.00 per day, and your mileage? A Mr. Bell told me to make it 4 days, and I didn't claim anything.
- Q Who paid you? A Roland brought the check to me and we went down to the bank and got the money.
- Q Did you sign a pay roll? A No sir.
- Q When was that? A It was along, I can't tell what time but I came down here, it was when that Crap Lynch's daughter, Bettie Cash was up.
- Q Did Gale Starr give you that check? A No sir.
- Q Was it while he was a stenographer for the Cherokee Nation? A I didn't know, he was an official for the Cherokee Nation.
- Q Didn't you never know he was? A No sir.
- Q Never heard of it? A No sir, never heard of him being an official for the Cherokee Nation. I know he was called an Attorney at Law but I never knew he was an official.
- Q You never heard of that? A No sir.
- Q Well whose name was signed to that check? A I don't know sir, I never looked on the check to see whose name. He and Roland went to the bank and he showed his in and I showed mine in and we got the money.
- Q Do you know when it was? A I don't know, you know when that case of Bettie Cash was up.
- Q Did the Cherokee nation ask you to swear anything else but the truth in the Bettie Cash case? A Only the truth and that is all I swore.
- Q Was the amount you got what you were entitled to for your time and mileage, how far do you live from Vinita? A I considered that paid me for the time and mileage.
- Q How far do you live from Vinita? A 14 miles.
- Q And it is 66 miles from Vinita to Muskogee, in the neighborhood of 80 miles, and you say you got a check for \$12.50? A Yes sir.
- Q And you got pay for 4 days? A That is what he told me to claim, and I told you I didn't claim nothing.
- Q Didn't you sign a pay roll? A I don't think I did. I never seen the check until Roland give it to me.
- Q Did you sign a pay roll? A I never signed nothing.
- Q Do you swear that? A I never signed nothing.
- Q You sign your name don't you? A No sir.
- Q Did you touch the pen to it? A No sir. I never seen the check until Roland give it to me.
- Q I am talking about the pay roll? A What pay roll?
- Q The pay roll so that the check might issue on it? A I don't understand it yet.
- Q You can't sign your name? A No sir.

- Q Then you don't know how much the amount of the check was? A The amount must have been that, they give me the money.
- Q You came from your home and went up to Vinita and took the train and you were out a day there and a day here and a day going back, then you were out three days and 80 miles? A Yes sir.
- Q And according to that you were out three days and 80 miles and you didn't get but \$12.50? A That was all.
- Q Did you make those other fellows you have testified for pay you? A Which?
- Q You have testified in a good many cases? A Yes sir, they paid me.
- Q All of them? A Some of them did and some didn't.
- Q How much did you get in the Sam Landrum case? A I have forgotten.
- Q What other case? A There was several cases, I don't recollect who I did witness for.
- Q You don't remember any other cases? A No sir.
- Q Now you said awhile ago when it wasn't taken down that you thought the mule was worth more than \$25.00 at the time you took it? A I said I couldn't get more than that because he was balky.
- Q What did you think he was worth when you were getting it? A About \$30.00.
- Q And you sold it \$5.00 cheaper? A Yes sir, he wouldn't pull an empty wagon.
- Q Then you made a business of charging all these fellows you testified for? A Yes sir, I charged them, some paid me, and some didn't.
- Q Were some to pay you in the event they got on? A They promised to pay me, didn't say when. May be they will pay me yet.
- Q Were any to pay you after the cases were decided? A I don't know whether they were or not.
- Q Do you remember any other case that you testified in? Did you testify in the Alexander News case? A Where did he live?
- Q Post office Ketchum? A No sir.
- Q Never testified in that case? A No sir.
- Q Well he never paid you nothing? A No sir.
- Q Did you testify in the Aaron Martin case? A Yes sir.
- Q Is that the one you got the mule in? A Yes sir.
- Q Did you testify in the Sarah Ann Martin case, or was that a part of the Aaron Martin case? A No, that was separate.
- Q What did you get in that case for testifying? A I don't recollect, got two or three dollars from Sarah Ann.
- Q Did you testify in the Elias Downing case? A No sir.
- Q You swear you didn't testify in that case? A I don't think I did. I aint going to swear nothing unless I know what I am swearing.
- Q How do you know? A I don't know whether I did or not, I cannot recollect, it has been so long.
- Q Did you testify in the Peyton Martin case? A Yes sir.
- Q Did he pay you? A Yes sir, three or four dollars.
- Q Do you know, do you remember how much he paid you? A About three dollars.
- Q You just followed this Commission from place to place and stayed there in constant attendance in order to testify while they were at Vinita and Chilson? A I testified for Aaron Martin folks at Vinita.
- Q Is that the only place you testified? A Never testified for any one in Chilson in my life. When I would go home they would come after me and maybe they would come about twice or three times before I would go, because I have to work.

- Q How much did Aaron promise to pay you the first time you testified and didn't pay it? A He promised to give me \$20.00 for witnessing for his family.
- Q Where were you going to witness at? A In the Kern-Clifton Court.
- Q Witness for him then for \$10? A Yes sir.
- Q And you didn't get it? A No sir.
- Q How long did you stay up there at Vinita witnessing before this Commission when it was there? A I didn't stay there all the time, I went back and forwards.
- Q What was the longest you ever stayed up there? A Not over two days at a time.
- Q How long were you there when you testified for Aaron? A About two days, then, I went home and come back again, I believe I went back and forward 3 or 4 times before the case come up, then I witnessed for them.
- Q Did you get any other mules in any other cases besides that one? A No sir, mules were too high, I couldn't go and get a mule every time.
- Q What is the most you ever got for witnessing in a case? A That mule was the biggest salary I ever got for witnessing.
- Q What did you get from George W. Lynch for witnessing for him, whose post office is Vinita and whose age was then 48? A I don't think I witnessed for George W. Lynch.
- Q You don't think you ever witnessed for him? A No sir.
- Q Did you witness for Harriet Tucker? A She was in the Aaron Martin family.
- Q Did your wife ever get anything for testifying in these cases? A She got two or three dollars from some of them.
- Q It was your habit to make them pay you in the case in which you testified? A Yes sir, I wanted my time.
- Q Didn't make any difference, if you were there you made them pay you when you went in to testify? A No sir, if the Commission ordered me I never made them pay me.
- Q If you were hanging around you charged them if you testified? A No sir, if they wanted me to testify for them I went in and testified.
- Q Who are paying you now? A Those men got me to come and witness for them, I expect them to pay me.
- Q How much did they say they would pay you? A I don't know, they haven't said.
- Q Did they pay your fare? A Yes sir.
- Q Who? A This man.
- Q Who are these men? A Starr & Patton.

BY MR. PATTEN:

- Q In the case you testified in, in which you got a mule to secure you for your fees, did you promise or agree to tell anything else besides the truth for receiving that mule? A No sir.

W I T N E S S E X C U S E D .

THOMAS H. MOORE RECALLED:

BY MR. PATTEN:

- Q State your name? A Thomas H. Moore.
- Q Did you testify in this case awhile ago? A Yes sir.
- Q Is there any other statement that you desire to make other than what you have made? A Yes sir.
- Q What is it? A I want to withdraw one I made, a statement in '66, I want to make it '67.
- Q What was that about? A Bob Daniels moving in in '66, in '67 is when he moved in.

BY MR. HASTINGS:

- Q Who did you talk to about this since you left the stand? A I got to studying it over myself.
- Q You talked to Mr. Patten about it? A Just now, yes sir.
- Q Before you come back on the stand? A No sir.
- Q You swear that you haven't talked to him out there in the hall before you come back on the stand? A No sir.
- Q How did he know, how did he come to call you back here then? A I come back myself. I got to studying about where we were at that time and I knew that I made a mistake.
- Q Were you not right out there when Andy Frye was on the stand, and heard him? A No sir, I didn't see him. I got to studying about where we were living at that time and knowed it was in '67 because we come from there down to this ~~black~~ school house.
- Q All these witnesses are out here in the hall? A Yes sir.
- Q You have all been talking about it out here in the hall? A Yes sir.
- Q You have talked to Starr or Patten out here in the hall about this case? A No sir.
- Q You testified that you saw Mose Hardrick here in the winter of 1866, in February? A '67 I mean.
- Q You swore awhile ago 1866 and Mr. Patten asked you over and over? A I know I did, that is what I am trying to get straight. We lived up where I live now and we come down to this school all this time.
- Q Mr. Patten asked you to be positive whether it was '66 or '67 and he asked you a number of times, and didn't you say it was in February, 1866? A I did and it was a mistake, if I said so I didn't mean to say it.
- Q How long was it after you left the stand before you found out the mistake? A I got to studying about where we lived at and where I live now and when I come to this school, back and forwards and it was in that year.
- Q Then it was in the fall of 1867 instead of 1866 that you moved over there? A Yes sir.
- Q And it was in the fall of 1867 Bob Daniels moved in and you out? A Yes sir.
- Q You are certain that that was November I believe you said? A Did I say November.
- Q You said fall, October or November? A It was in that fall anyhow.
- Q Of 1867? A Yes sir.
- Q That is when Bob Daniels moved his family up there? A Yes sir.

WITNESSES EXCUSED.

APPLICANTS REST.

The following testimony was taken on behalf of the Cherokee nation.

Mr. Hastings: For the purpose of impeaching the witness Andy Frye we desire that the judgment of the Commission and the action of the Secretary thereon in the Sam Landrum case, freedman doubtful 292, be made a part of the record in this case.

Mr. Starr: The applicants object to the introduction of the judgment and the record in the Sam Landrum case.

On behalf of the Commissioner: The objection will be sustained.

On Behalf of the Commissioner: Attorneys for applicants and Cherokee Nation agree that a statement showing the present status of the Cherokee Freedman enrollment case of Sam Landrum be made.

The records of this office show that the decision of the Commission to the Five Civilized Tribes, dated July 1, 1903, rejecting, among others, the application of Sam Landrum for the enrollment of himself and family as Cherokee freedmen was affirmed by the Secretary of the Interior on December 5, 1903 (I.T.D. 8326-1903), and that a motion said case was filed May 29, 1906.

ELIZA A. STROUT, being first duly sworn, testified as follows:

BY MR. HASTINGS:

- Q What is your name? A Eliza A/ Strout.
- Q How old are you? A 50.
- Q What is your post office? A Vinita.
- Q What was your maiden name? A Daniels.
- Q Were you a daughter of Bob Daniels? A Yes sir.
- Q Is he the same Bob Daniels who was a member of the Supreme Court in the Cherokee Nation in 1871? A Yes sir.
- Q You are a Cherokee by blood? A Yes sir.
- Q Through who do you get your Cherokee blood? A Father and mother both.
- Q Did your parents own some slaves before the war? A Yes sir.
- Q Did you know at any time a negro woman by the name of Mahala, who afterwards married Jeff Lyons? A Yes sir.
- Q Did you know her before the war? A Yes sir, I can remember her before the war, that is before she left us.
- Q Who did she belong to? A My parents.
- Q Did she have any children before the war? A Yes sir.
- Q What was the child's name? A She had one named Wash, I don't know whether I know them all or not, and one named Peggy and one named Anaka by a man named Lynch, who left the country, and after that she had this Mike Moore.
- Q He was born before the war? A Yes sir.
- Q He was a slave of your parents? A Yes sir.
- Q She wasn't the wife of Jeff before the war? A No sir, she come back here with Jeff.
- Q Now did you people leave the Cherokee Nation during the war? A Yes sir, we went to the Choctaw Nation.
- Q Now when did you folks come back from the Choctaw Nation to the Cherokee Nation and where to first? A When we first come back we come to Tahlequah in the fall of 1866 and we stayed there all winter and then come back up home on Grand River in March, 1867.
- Q How far was your home place from what was known as the Dr. Thompson place? A Just about a mile.
- Q Was it on the same side of the river? A Yes sir, on the east side.
- Q And about a mile from the Dr. Thompson place? A Yes sir.
- Q Did you know Johnson Thompson? A Yes sir.
- Q He was a Cherokee? A Yes sir, he married my sister.
- Q Do you know where the Johnson Thompson place was? A Yes sir.
- Q Where was this Dr. Thompson place with reference to your father's place and the Johnson Thompson place? A It was right between the two.
- Q Then you had to go by the Dr. Thompson place in order to go to your aunt's who was Mrs. Johnson Thompson? A Yes sir, on the road, went right by the house.
- Q Did you visit backwards and forwards frequently? A Yes sir.

- Q Now was Mahala and Jeff Lyons back up there in that neighborhood at the Dr. Thompson place or any other place when you people moved up there? A We never did see her.
- Q Was she in that neighborhood at that time? A No sir.
- Q She was your old slave? A No sir, she was not there.
- Q Could your old slave have been there at that Dr. Thompson place, and you pass backwards and forward from your place over to your aunts visiting, as you frequently did, without your knowing it?
- Q No sir, I don't think she could.
- Q Your father is the same person who was a member of the Supreme Court and passed upon this case in 1871? A I don't know whether he passed on it or not, I guess the record shows it.
- Q He was a member of the Supreme Court in 1871? A Yes sir.
- Q Was he living there in 1871 on this place, did he continue to live up there? A Yes sir, my father died in 1872.
- Q He lived there until he died? A Yes sir.
- Q You knew how long afterwards before you first heard of Mahala coming back there? A No sir, I don't know exactly how long but I don't think it was right soon. I am pretty certain it was not.
- Q It was sometime? A Yes sir, I don't know but I always thought it was 1868.
- Q Did you hear after they came back where they come from? A It was always my impression they come from Kansas.
- Q That was your impression from knowledge you gained at that time?
- A Yes sir.

BY MR. PATTEN:

- Q I believe you say you are about 50 years old? A Yes sir.
- Q How old were you at the close of the war? A I guess I was about 12 years old when I come home.
- Q When was that? A I just now said it was in 1867.
- Q What time of the year? A In March when we come down on the river.
- Q You say Mahala was the slave of your father? A Yes sir.
- Q You say she had one child before the war? A She had more than one.
- Q Can you give the name of one? A She might have had more than I know of.
- Q You remember of them before the war? A Yes sir, I remember seeing them, said they were her children.
- Q How old were you at that time? A At what time.
- Q Just about the time you say she had these children before the war? A What difference does it make if I told you how old I was and when I was born.
- Q I asked you how old you were about the time the war began? A I guess I was about 6 or 8 years old.
- Q That has been about 45 years ago now hasn't it? A Yes sir, in 1861.
- Q And you were about 6 years old at that time? A I guess so.
- Q And you remember things that occurred, that happened, when you were 6 years old, that occurred 45 years ago? A I remember when Mahala left us, it was during the war.
- Q And you were only about 10 years old at the close of the war?
- A I can remember when I was 6 years old.
- Q Whose slave did you say Mahala was? A I guess she belonged to my father and mother both.
- Q Did she belong to them at the commencement of the war? A Yes sir.
- Q And they were Cherokee citizens? A Yes sir.
- Q Now you say you came back home there in the spring of 1867, in March? A Yes sir.

- Q Do you know where Judge Clark was living when you came back?
- A Yes sir, he was living right across the river from us. If he wasn't living there when we come back he was pretty soon because I remember him and his wife coming to our house to visit us.
- Q Do you remember where L. B. Bell was living when you come back?
- A No sir, I know where he lived afterwards.
- Q Where you moved to when you come back how far was that from the Dr. Thompson place? A A mile.
- Q How frequently were you by the Dr. Thompson place? A I don't know whether we went every day or not, but we went often because Johnson Thompson, s wife was my mother's sister, and so was Dr. Thompson's wife.
- Q Did you go by the house? A Yes sir.
- Q Was it on the road? A Yes sir, of course it was on the road.
- Q Who lived on the Dr. Thompson place at that time? A I don't know who all, there was a lot of darkies living there.
- Q Can you name them? A I knowed Andy Frye and Al Lynch.
- Q Who else? A I don't remember anybody else.
- Q Can you give the names, are you certain that Al Lynch lived there? A Yes sir, I used to see him, I don't think he was married then.
- Q You are certain that was the spring of 1867? A Yes sir.
- Q Who else besides Andy Frye and Al Lynch? A I don't remember. There was an old colored man named Tebe Schrimsher.
- Q Were there any one else besides those three? A I don't remember anybody else.
- Q Do you remember whether Butler McNair was there? A I don't know anybody by that name.
- Q Or Tom Moore? A Yes sir, I know him, he wasn't living there.
- Q Old man Tom Moore? A Yes sir.
- Q How do you know he wasn't living there? A Because I didn't see him.
- Q The fact that you didn't see a certain person in a certain neighborhood is conclusive to you that you didn't see him? A I don't see how he could be there without my seeing him when I passed there.
- Q Didn't you say just now that there was a number of colored people living there in that house that you didn't know who they were?
- A I said I didn't know them but I knew Tom Moore and his wife, belonged to my father.
- Q You were about 10 years old? A I said I was about 12.
- Q There were some colored people living at that house and you didn't know who they were? A I know Tom Moore wasn't there.
- Q Do you undertake to swear Mahala wasn't there? A If she had been there I would have seen her.
- Q Do you undertake to say you know you saw everybody that lived there? A I guess I saw them but I didn't know their names.
- Q How do you know you saw them all? A I know I must have.
- Q You are just guessing at that, taking it as a conclusion? Now are you stating from what you actually know or what you take as a matter of fact that you ought to know because you went by there frequently? A I don't know as I have to answer any such foolish question as that.

On behalf of the Commissioner: Just answer as near as possible the question as asked.

- A I know I saw them when they all come back, and it wasn't when we come back. I saw them afterwards, about 1868 or '67.
- Q Well now when was the first time you ever saw Mahala? A Well I don't know exactly, she wasn't there when we come back.
- Q I am not asking you that question? A I couldn't tell you just the date I saw her.

- Q You say you saw her when they all come back? A I saw them when they were living there.
- Q About when was that? A I don't know when it was.
- Q Was it 1866 or 1869? A It was 1867 or '68.
- Q What time in 1867? A I always thought it was 1868.
- Q Do you know what year it was that they lived on that Dr. Thompson place? A I knew it was not in 1866.
- Q I am not asking you whether you saw them in 1866? A Well I told you I didn't know whether it was 1867 or '68.
- Q Do you know what time of the year it was you first saw them on that Dr. Thompson place? A No sir, I don't remember that.
- Q Do you remember when they first moved on that Dr. Thompson place? A No sir.
- Q You don't know anything about when they come from Kansas? A I know they were not on that Dr. Thompson place.
- Q You don't undertake to say that they were not in the Cherokee Nation when you come back? A No sir, I don't.
- Q But you undertake to say that Mahala was not on that Dr. Thompson place in March, 1867, just because you didn't see her? A I would have seen her if there.
- Q Who lived on that place or in the house preceding your father? The place you moved to, just before him? A There was a colored man named Arch Landrum.
- Q Did he move in there just before you folks moved in? A Yes sir.
- Q Did Nelson Moore ever live in that house, if you knew? A No sir.
- Q You don't remember when he lived there? A No sir.
- Q Tom Moore I mean instead of Nels? A They all lived in what used to be the colored people's house, but not in the house we lived in.
- Q There was any one living in that house when you folks moved down there, the place you moved into when you came back there in 1867? A My father was in Tahlequah and went up there to get the folks out of the house so we could move in.
- Q Who did he get out? A Arch Landrum.
- Q You are certain it was Arch Landrum? A That is what my father said.
- Q Didn't say whether Arch was the only one? A Didn't say about that.
- Q What time of the year was it? A I don't know exactly, it was between Christmas and March. It couldn't have been very long.
- Q You came shortly after he came down there? A Yes sir.
- Q As a matter of fact didn't you move in that place in the fall of 1867 instead of the spring? A No sir.
- Q How do you remember it was spring instead of the fall? A Because they went to making a crop.
- Q How do you remember it was 1867? A How do you remember anything?
- Q I am asking you? A (No response).
- Q You are testifying to these facts, things that occurred when you were 10 years old, from your own independent recollection regardless of anything that would impress it upon your mind? You just undertake to say it was 1867? A Well I said it was 1867, and I said it two or three times.
- Q Have you any circumstance to connect your memory with that makes you absolutely know it was 1867, or more positive of it? A I don't know any more than anybody knows one year from another.
- Q Have you a pretty good faculty for remembering things that occurred in 1860 or '87? A Sometimes I do and sometimes I don't.
- Q Do you know when the Kern-Clifton roll was made? A No sir.
- Q You don't remember that do you? A No sir.
- Q Do you know when the Wallace roll was made? A Wasn't it in '80. I don't know.
- Q Some of these things are pretty hard to remember, aren't they? A

- Q Some of these dates are pretty hard to remember, aren't they? A Indeed without they got to remember anything, they ought to remember it.
- Q How do you happen to think you got to remember it was the spring of 1867 your folks moved on his place is that the reason you remember it? A No sir.
- Q There was nothing at that time to impress it upon you to remember it was 1867? A Well I know when the war closed, and how long we stayed down south before we come home, and then we come to Tahlequah and stayed there until the spring of '67.
- Q How long were you at Tahlequah? A I don't know what month in the fall, and we stayed there that winter.
- Q You came to Tahlequah in the fall? A Yes sir, in the fall of 1866.
- Q Where were you ~~xxx~~ when the war closed? A In the Choctaw Nation.
- Q How long did you stay in the Choctaw Nation? A About three years, we went there during the war.
- Q What year did you go there? A I think it must have been in 1862.
- Q And you stayed there three years? A Stayed there until 1865.
- Q What time in 1862 did you go? A I don't know.
- Q You don't remember that? A No sir.
- Q Do you remember the occasion of going? A Yes sir.
- Q You say you stayed there about three years? A We stayed there until 1865.
- Q What time in 1865? A I don't know, I think it was in the spring.
- Q And where did you go from there? A Back to Tahlequah in the fall, and how I know it was in the fall because we gathered Hickory Nuts all along the road.
- Q How long did you stay at Tahlequah before you came down there? A I told you from that time until March.
- Q The following March? A Yes sir.
- Q Then you came to Tahlequah in 1865? A '65.
- Q Didn't you say you left the Choctaw Nation in 1865? A I said the war closed in 1865 and we come to Tahlequah in 1866.
- Q Do you know what year you were born in? A 1855 so my mother said, I don't know whether I was or not.
- Q You are going on 51 now? A Yes sir, I will be 51 next August.

W I T N E S S E X C U S E D.

JAMES R. DUNLAP, being first duly sworn, testified as follows:

BY MR. HASTINGS:

- Q What is your name? A James R. Dunlap.
- Q What is your age? A 65.
- Q What is your post office? A Carlile, Kansas.
- Q How far is Carlile from Iola? A Five miles.
- Q How long have you lived in the vicinity of Carlile and Iola?
- Q I first came there in 1864, moved there in 1866.
- Q What time in 1866 did you move there? A Sometime in the spring, May or June.
- Q Did you get acquainted after moving there in that vicinity with a colored man named Butler McNair? A Yes sir.
- Q Did you know his wife? A Yes sir.
- Q Did they live there in that vicinity? A Yes sir.
- Q Did you at that time live in the town or in the country? A I lived in the country there.
- Q About how far did Butler McNair live from you? A About a mile.
- Q Live in a cabin over there? A Yes sir.
- Q Well, Mr. Dunlap when was your first child born? A January 21, 1867.
- Q Do you know who attended your wife and waited on her during that confinement? A After her confinement Aunt Betsey Butler was with my wife.
- Q Was that Butler McNair's wife? A Yes sir.
- Q Was that after this confinement you speak of? A Yes sir.
- Q Was that the first child your wife had? A Yes sir.

- Q Are you positive that Betsy, the wife of Butler McNair, waited on your wife after this confinement? A Yes sir.
- Q Have you a record of the birth of that child? A Yes sir.
- Q Did you bring that with you? A Yes sir.
- Q What does that record disclose? A You read it.
- Q Is this from your family record, your Bible? A Yes sir.
- Q It shows birth, Orien Dunlap was born in Allen County, Kansas, January 31, 1867? A Yes sir.
- Q That is the date of his birth? A Yes sir.
- Q And you are positive that Betsy the wife of Butler McNair waited on your wife during her sickness following her confinement? A Yes sir.
- Q Do you remember how long she stayed there after that? A No sir, I don't.
- Q Do you remember how long they stayed in that vicinity? A No sir, I don't.
- Q And you have refreshed your memory from the date of the record of the birth have you? A Not exclusively, I was married January 31, 1866, and my oldest child was born January 31, 1867.
- Q And you are positive that Butler McNair's wife Betsy was there? A Yes sir.
- Q You are not prepared to say how much longer they remained there? A No sir, I couldn't do that.
- Q Did you know a colored man ~~xx~~ named Tom Moore, A Yes sir.
- Q When did you last remember of seeing him up there with reference to the birth of this child? A Well sir, I don't remember anything particular about them after harvest was over in the summer of 1866. I helped harvest with Tom Moore, but when he left I couldn't tell you.
- Q They didn't live on your place? A No sir.
- Mr. Patten: The Attorneys for applicants now move the Honorable Commissioner to strike from the record all the testimony relative to Butler McNair given by this witness, for the reason that there is no contention that she came to the Cherokee Nation at the same time that Butler McNair did.

Mr. Hastings: In answer to that motion the Attorneys for the Cherokee Nation reply that practically every witness that has been introduced by these attorneys from Kansas have testified that all four of these parties left there with their effects at the same time, left that community.

On Behalf of the Commissioner: The motion and reply will be noted.

BY MR. PATTEN:

- Q Were you very well acquainted with any of these colored people around there? A Not intimately acquainted.
- Q How long had you known this Betsy McNair at this time? A I came there the spring of 1866, and I didn't have any acquaintance with the old lady until I went after her to stay with my wife.
- Q There is no question but what she waited on your wife at that time? A No question in my mind.
- Q Do you know whether she was married or single? A She claimed to be the wife of Butler, lived with him.
- Q Did you ever know him? A Yes sir.
- Q How far did they live from you? A About a mile.
- Q When was the last time you saw Tom Moore? A The last I remember of him is when we helped harvest there in 1866. Mostly colored people there and I just came into the country there and we swapped work around and cut our wheat.

WITNESSES EXCUSED.

J. A. THOMPSON, being first duly sworn, testified as follows:

BY MR. HASTINGS:

- Q What is your name? A J. A. Thompson.
- Q What is your post office? A Vinita.
- Q What is your age? A I will be 56 years old the first day of next August.
- Q Are you a Cherokee by blood? A Yes sir.
- Q What was your father's name? A Johnson Thompson.
- Q Have you a brother named Tommy Thompson, T. P. Thompson? A Yes sir.
- Q Where did you go during the Civil war? A We went south, on Red River.
- Q Where did you return after the war? A Back there on our old place.
- Q Where was that? A On Grand River, known now by the Ketchum place.
- Q By Ketchum post office? A Yes sir, near there.
- Q That is the same place that is generally known as the Johnson Thompson place? A Yes sir.
- Q How far is that from the Dr. Thompson place? A About a mile.
- Q On the same side of the river? A No sir.
- Q How far from the Bob Daniels place? A That was a short mile. Farther south, on the south side of the river.
- Q Was the Bob Daniels place and Dr. Thompson place on the same side of the river? A Yes sir.
- Q And both on the opposite side of the river from your father's place? A Yes sir.
- Q Do you know Mrs. Stewart, daughter of Bob Daniels? A Yes sir, first cousin of mine.
- Q Do you know when Bob Daniels came back up there? A Yes sir.
- Q When? A In 1867.
- Q What time of the year? A Early in the spring.
- Q What time did you people come back to this Johnson Thompson place? A I think it was in October, in 1866.
- Q Did you ever know Mose Hardrick a colored man before the war? A No sir.
- Q Did you know Jeff Lyons before the war? A No sir.
- Q Did you know Mahala, Jeff's wife? A Yes sir, she belonged to Bob Daniels before the war.
- Q Did Daniels live up there before the war? A Yes sir.
- Q And you were neighbors before the war as well as relatives? A Yes sir, lived at the same place.
- Q Right at the same place you described? A Yes sir.
- Q Then you knew Mahala well did you? A Yes sir.
- Q Now I will ask you when you first knew of Mahala, who was the wife of Jeff Lyons, and who before the war was the slave of your Uncle Bob Daniels, after the war? A Well that was along in the fall of '67. They stopped in our yard, I don't know exactly how long, camped there.
- Q Was that when they came back to the country? A Yes sir.
- Q You say that was in the fall of 1867? A Yes sir.
- Q Are you positive they were not there during the winter of 1866? A I don't think they were, if they were I didn't see them.
- Q Did they say they were from Kansas in the fall of 1867? A Yes sir.
- Q You remember when Mose Hardrick came? A Not exactly, but he landed in there pretty much the same time, but I didn't see him when he landed.
- Q Did you see him there before you saw Mahala and Jeff? A No sir.
- Q Did you know a child of Mahala named Mike? A Yes sir.

- Q Did he come back with his mother? A I don't remember him. We were talking about him to day, I can't remember when he come or how he come.
- Q But did you see him there before you saw his mother? A No sir.
- Q You saw him afterwards? A Yes sir.
- Q Did you know Butler McHair? A I wasn't acquainted with him.

BY MR. PATTEN:

- Q When was it you say you first saw Jeff and Mahala? A I think it was in the fall of 1867.
- Q Where were they living at that time? A Camped in our yard there on our place.
- Q That was in the fall of 1867? A Yes sir.
- Q When was the first time you saw Hese? A It was sometime after that I think, I would not be positive. I don't remember much about Hese because he went across the river.
- Q Was it about the same time? A Pretty much the same time.
- Q Now how long did they camp with you there when they went into camp? A Yes sir.
- Q Had they just moved in from some place? A Came in from Kansas I suppose.
- Q Was this on the same side of the river as the Dr. Thompson place? A No sir.
- Q That was across the river from the Dr. Thompson place? A Yes sir.
- Q That was in the fall of the year? A Yes sir.
- Q And you think it was what year? A 1867.
- Q Do you remember when that Horse Creek fight was? A No sir. Been a great deal of dispute about that, a great many claim it was in 1867 and a good many in 1868.
- Q When do you make claim? A I don't claim.
- Q Were you in the country? A There were two fights on Horse Creek.
- Q Well with reference to that is known as the Horse Creek fight, if one or the other was, what time with reference to that was it Jeff Lyons and wife were camped there? Was it before or afterwards?
- A Well I don't know, you see directly after the War we didn't run around any, we were afraid to go out any, we stayed at home.
- Q You don't know whether it was before or after? A Well it must have been ~~later~~ than this Horse Creek fight was, I think it was in the summer time sometime and this was in the fall.
- Q The same fall? A I couldn't tell positively.
- Q What is your best judgment about it? A Well I hate to say.
- Q It is pretty hard to remember those things that occurred that long ago? A Yes sir, along time. There were two fights there, one occurred before we came there.
- Q Did those two fights both occur the same year? A I couldn't tell you that.
- Q Where did they move to when they moved away? A Across the river.
- Q Did they move on the Dr. Thompson place? A I think they moved on a place they got from Uncle Jeter or Uncle Robert, and I think he lived there until he died to my best judgment.
- Q What place was that you say? A They settled a place in there near Uncle Robert or nearer between the two places.
- Q What time did they move in on that place? A I don't know exactly. You see we made a crop up there in 1867 and after we gathered the crop, father sent Tommy and I to school in Arkansas.
- Q You started the fall of 1867? A Yes sir.
- Q When did they make a crop on that new place, Jeff? A He surely couldn't have made any crop earlier than 1868.
- Q In your judgment Jeff Lyons didn't get down to the Territory early enough to make a crop until 1868? A Yes sir.

- Q Do you know whether or not he ever lived on the Dr. Thompson place?
A He might have rented some ground from Uncle Jeter.
Q I mean live there? A I don't remember of him living there.
There were several families living there, and I thought one of them families were Andy Frye and another fellow that attended to our boats there, his name was Tebe Schrimsher, and there was another fellow or two there.
Q Do you remember about the time that Andy Frye lived on that Dr. Thompson place with reference to the time they were living there, what time was it Jeff and Mahala were camped there? A That was along in 1867.
Q I mean regardless of dates, at the time Jeff was camped there in your yard where was Andy Frye living? A I think on Uncle Jeter's place.
Q That was about the time Tebe Schrimsher was there? A Well I don't know whether Schrimsher was there then or not, I rather believe Schrimsher had left before then. A little thing happened there before then, somebody stole Uncle Robert Daniels' horse and Schrimsher was running out boats, and they stole our boats and after that father and Uncle Robert gave Schrimsher a jacking up and I think he left.
Q Disregarding what year it was, you said it was in the fall of the year? A Yes sir.
Q And that was on the other side of the river from the Dr. Thompson place? A Yes sir.
Q What time of the year did they leave that place and move? A I couldn't say, couldn't tell you.
Q Where were you living when they moved? A I don't know whether we were there or had gone to school.
Q What year was it you first went to school in Arkansas? A It was in 1867. After we got through gathering corn we went.
Q How do you remember that was 1867? A A thousand things happened to make a person remember it.
Q To remember it was 1867 instead of 1866 or '65? A Couldn't have been 1866 because we didn't come up there until late in the fall of 1866.
Q How do you remember it was 1866 you came up there instead of '65? A We were afraid to go up there.
Q How long after the war closed before you were afraid to come up there? A We came as soon as we thought it was healthy.
Q This occurred about 40 years ago? A Yes sir.
Q You were how old? A About 16 years old.
Q You think then, you are pretty positive it is highly improbable that you could be mistaken just a year or two? A I don't think I could be. You see they come up there the same year Uncle Robert Daniels moved up, he moved there in the spring of 1867 and they got there in the fall of 1867.

W I T N E S S E X C U S E D .

On motion of the Commissioner this case was here continued until June 23, 1906, at 8:45 A. M.

June 23, 1906: In pursuance of continuance heretofore had in this case, the hour of 8:45 A. M., having arrived on this day, this case was called for further hearing at which time the following proceedings were had:

T. F. THOMPSON, being first duly sworn, testified as follows:

BY MR. HASTINGS:

- Q What is your name? A T. F. Thompson.
- Q How old are you? A Going on 59 years old.
- Q What is your post office? A Vinita.
- Q What was your father's name? A Johnson Thompson.
- Q Are you a brother to Jim Thompson who was on the stand here yesterday? A Yes sir.
- Q Did you know Bob Daniels in his life time? A Yes sir.
- Q Was his wife any relation to you? A She was an Aunt of mine, a sister to my mother.
- Q Were they Cherokees? A Yes sir.
- Q Did you ever live in the Cherokee Nation before the war? A Yes sir.
- Q Where? A On Grand River.
- Q How far from Vinita? A East about 15 miles.
- Q Down near where the present Ketchum post office is? A Yes sir, right at that post office.
- Q On which side of the river did your folks live? A On the west side.
- Q On which side did Bob Daniels live? A Dr. Thompson place is right on the river and Daniels place was about a mile southeast.
- Q On the opposite side of the river from you? A Yes sir.
- Q Now did you people go out during the war? A Yes sir.
- Q What time did you return? A We returned in the fall or winter of 1866.
- Q And what time did Daniels people return to the place up there on the river? A They come back in the spring of 1867.
- Q Did you know Mrs. Streut that was on the stand? A Yes sir.
- Q That was her father? A Yes sir, he lived there.
- Q Then each of your families returned back to these old places? A Yes sir.
- Q Did you know a negro woman by the name of Mahala that belonged to the Daniels before the war? A Yes sir.
- Q Who did she marry during the war, or who did you know her to be the wife of after the war, if you knew her at all? A The wife of Jeff Lyons after the war.
- Q Did she have any children before the war? A I think she did, I would not be certain about that.
- Q Don't know of a child named Mike weore? A Yes sir.
- Q Now how far is this Dr. Thompson place from your place? A About a mile, just across the river.
- Q You say you knew Mahala who belonged to your Aunt Mrs. Daniels before the war? A Yes sir.
- Q Now what is your best judgment of the time that you first saw them, that they returned here after the war? A Well as to that I couldn't possibly say for certain. They come back after we did but I couldn't say whether it was the year we did or the year following.
- Q Well what is your best judgment about it? A Well I don't know what my best judgment would be.
- Q Well you don't want to be positive about it, is that as I understand you? A No sir, because I am not.
- Q Did you make an affidavit in this case? A Yes sir.
- Q And in that affidavit did you want to be understood to say that these people returned in 1866? A No sir, I don't want to be understood that way.
- Q Who prepared it? A A young man named Blue I believe.
- Q With whom did you talk about it? Did you talk to J. C. Starr about it? A Yes sir, I mentioned it to Mr. Starr yesterday.
- Q Did you ever talk to him prior to yesterday? A Yes sir, we met in the post office a time or two and talked about it up there at Vinita.

- Q Did you tell him that you didn't want to be understood as saying in your affidavit that they returned in 1866? A Yes sir, because I wasn't certain about that. That was to the best of my knowledge.
- Q You didn't intend to say 1866? A No sir.

BY MR. PATTEN:

- Q Well then Mr. Thompson what you want to be understood as saying in this case is then that you are uncertain as to whether it was 1866 or '67, is that what you mean? A Yes sir, I am uncertain. I don't want to be understood as saying 1866 or nothing else.
- Q Now you would not want to be understood as positively swearing that it was not 1866? A No sir.
- Q Nor you would not want to be understood as positively swearing it was 1867? A No sir.
- Q Wasn't it about 3 or 4 days ago you talked to Mr. Starr at Vinita? A Yes sir.
- Q Did you talk to Mr. Starr any time about this at the time you made this affidavit? A No t that I remember of. I don't think Mr. Starr had anything to do with the affidavit at all.
- Q Did you testify before John W. Wallace in the Wallace Court for these people? A I didn't know the gentleman, he was up in Mr. Starr's office.
- Q The Wallace Court in 1889? A No sir, I think not.
- Q You don't remember whether you did or not? A No sir, I don't think I have ever testified in freedman cases before. I don't remember of it.

W I T N E S S E X C U S E D .

Mr. Hastings: I desire to make an inquiry of the Commissioner as to whether or not all of the testimony of all these consolidated cases heretofore taken and taken now, including the testimony of Nelson Moore, and the cases of Moses Hardrick, P. D. 314, at a prior hearing will be considered a part of the testimony of this entire case.

On Behalf of the Commissioner: All of the testimony and records in each of the separate cases which are now consolidated under the two heads, consolidated cases of Moses Hardrick, et al., and George Irons et al., will be made a part of the record in this consolidated case.

Mr. Hastings: For the purpose of impeaching Tobias Bean, I desire to introduce the record of assessment of Monroe Township, Anderson County, Kansas, copied from the original records and filed in the cases of Thomas Mayfield et al., P R 541, with reference to Warren Adams for the year 1868.

Mr. Patten: To which applicants object for the reason that there is no testimony to identify Warren Adams, the man of whom Tobias Bean testified with the name of Warren Adams sought to be introduced and for the further reason that the record in the Mayfield case shows that the assessment record of Monroe Township, Anderson County Kansas, was never authenticated for the year 1868 by the Assessor.

On behalf of the Commissioner: A stenographic report was made of the record of the proceedings had May 24, 1886 in the cases of Thomas Mayfield, et al., at which time there was introduced in the record, the record of the assessment of one Warren Adams, the original census record being exhibited at that time. The

stenographer's notes have not yet been transcribed, but as soon as done so a copy of that part of the proceedings relating to the census of Warren Adams in Monroe Township, Anderson County, Kansas, will be filed with and made a part of the record in this case.

Mr. Hastings: For the purpose of impeaching Frank Ross, one of the witnesses who has heretofore testified in this case, we desire to have noted in the record what action has been taken by the Secretary of the Interior in the following cases, Freedman Doubtful 404, being the case of Henry C. Hayden, et al., Freedman Doubtful 538, being the case of Charity Trow, Freedman Doubtful 631, being the case of Nancy Ross, et al., Freedman Doubtful 878, being the case of Katie Thorton, et al., Freedman Doubtful 201, being the case of Sarah Bean, Freedman Doubtful 766, being the case of Leah Winfield et al., Freedman Doubtful 777, being the case of Calvin Ross, et al., Freedman Doubtful 1807, being the case of Jesse Hicks, et al., Freedman Doubtful 1809, being the case of George Ross. All of said cases being freedman cases and the record in all of said cases showing that the said Frank Ross testified in all of them, and the representative of the Cherokee Nation contend that all of them have been rejected by the Commission and finally rejected by the Secretary of the Interior.

Mr. Starr: To which applicants object and move that the Cherokee Nation be required to state in each instance what particular testimony given by Frank Ross in said cases is false.

Mr. Hastings: The Cherokee Nation states that in each case where he swore that the applicants returned in 1866 is false, and was so found by the Commission and by the Secretary of the Interior.

Mr. Starr: The applicants contend that a general statement is not sufficient and move that the Nation be required to specify in each instance what testimony is false.

Mr. Bixby, Commissioner: The objection of Attorneys for applicants will be sustained.

Mr. Hastings: The ruling of the Commissioner to the Five Civilized Tribes is excepted to for the reason that it is contended on behalf of the Cherokee Nation that if this same witness Frank Ross has testified in all of the above cited cases, and for the applicants, and if the Commission to the Five Civilized Tribes had decided adversely to them, and these decisions has been affirmed by the Secretary of the Interior, that this tends to show what weight is given by the Commissioner to the Five Civilized Tribes, and the Secretary of the Interior to the testimony of the said Frank Ross, and therefore tends to impeach and discredit him.

Mr. Starr: Replying to this argument the Attorneys for applicants desire to state that unless it is shown specifically wherein said witness testified falsely in each of said cases it would not tend to discredit him for the reason that said witness might not have testified to a mere point in any of said cases.

Mr. Hastings: In answer to that argument the Attorney for the Cherokee Nation now offer to have the full testimony of the said Frank Ross in each of said cases referred to filed and made a part of this record so it will show the different points to which he has testified.

Mr. Starr: To which applicants object.

Mr. Bixby, Commissioner: The objection will be sustained.

Mr. Hastings: For the purpose of impeaching and discrediting the statements of the applicant, Moses Hardrick, the representative of the Cherokee Nation desires to have the record of the decision of the Commission and the action of the Department thereon in the following freedmen cases. All of them being cases in which the said Moses Hardrick testified on behalf of the applicant and all of them being rejected by the Commission to the Five Civilized Tribes and affirmed by the Secretary of the Interior: Freedman doubtful 283, being that of Moses Ross. Freedman doubtful 287, Jim Alberty, et al. Freedman doubtful, 317, Charles Martin, et al., Freedman doubtful 397, Jane Looney, Freedman doubtful 431, Nancy Ross, et al., Freedman doubtful 442, Cynthia Hoard, et al., Freedman doubtful 921, Elijah Watie or Tinnen. Freedman doubtful 946 Andy Ross. Freedman doubtful 952, Charles Brown, et al. Freedman doubtful 1009, George Ross, Freedman doubtful 1020, Kissie Newman, et al., Freedman doubtful 1023, Ned Foreman. Freedman rejected 85, Malay Corban, et al. In all of which the said Moses Hardrick testified for the applicants.

Mr. Starr: In reply to this motion the applicants make the same objection and the same motion as was made with reference to Frank Ross.

Mr. Bixby, Commissioner: The objection will be sustained.

Mr. Hastings: For the reasons hereinabove stated the ruling of the Commissioner to the Five Civilized Tribes is excepted to.

Mr. Hastings: For the purpose of impeaching and discrediting the testimony of Anderson Lynch, a witness who has heretofore testified for the applicants in this case, the representative of the Cherokee Nation asks that the decision of the Commission to the Five Civilized Tribes and of the Secretary of the Interior rejecting the following applicants, in all of which cases the said Anderson Lynch testified, be shown in this record. Freedman doubtful 493, being the case of Alex Johnson, et al., in which the said Anderson Lynch was especially impeached. Freedman doubtful 82, John May, et al., Freedman doubtful 280, Harvey Martin, et al. Freedman doubtful 732, Joseph Lynch, et al. Freedman doubtful 309, William Vann, et al. Freedman doubtful 374, Ab Buffington, Freedman doubtful 386, Aggie Little, et al. Freedman doubtful 617, Rosa Shobe, et al. Freedman doubtful 79, Mary Hammitte. Freedman doubtful 734, John Tawara. Freedman doubtful 860, Annie Elms, et al. Freedman doubtful 281, Arthur Martin. Freedman doubtful 880 Perry Adams, et al. Freedman doubtful 288, Isabell Brown. Freedman doubtful 286, Rachel Todd, et al. Freedman doubtful 1015, Amanda Brown. Freedman doubtful 724, Martha Lyons. Freedman doubtful 375, William Buffington. Freedman rejected 85, Malay Corbin, et al.

Mr. Starr: Attorneys for applicants make the same objections in this case as were made with reference to Frank Ross and Moses Hardrick.

Mr. Bixby, Commissioner: The objection will be sustained.

Mr. Hastings: The representative of the Cherokee Nation except to the ruling of the Commissioner to the Five Civilized Tribes for the reasons hereinbefore set forth.

Mr. Starr: We would like to examine the records of the Cherokee Supreme Court and Citizenship Courts, that are now in the possession of the Attorneys for the Cherokee Nation.

Mr. Hastings: And for what purpose?

Mr. Starr: For the purpose of seeing if there is any record in said Court that we might desire to offer.

Mr. Hastings: The representative of the Cherokee Nation decline to turn over to Citizenship lawyers the records in his possession for their use in making motions which they do not regard as meritorious generally in citizenship cases, but if there is any judgment of any Court in the possession of the Commission relevant to this case, they have no objections whatever to that judgment being taken from the records and introduced in this case.

Mr. Starr: Attorneys for applicants move that the Honorable Commissioner require these records to be turned over to him and be placed in his official custody so that both the Attorneys for the Cherokee Nation and applicants may have access to them.

On Behalf of the Commissioner: It is requested that the Attorneys for applicants indicate the records in the possession of the Attorneys for the Cherokee Nation to which they refer.

Mr. Starr: It is the record referred to in the matter of the application of Andy Webber. The Chambers Court of 1878, being the same record referred to in the case of Andy Webber last Thursday.

Mr. Hastings: In reply to this the representative of the Cherokee Nation state that they are not trying the Andy Webber case, and that that is not a part of this case and not a part of this record; that the Andy Webber case was tried and closed on Thursday last.

Mr. Starr: I mean the record referred to in that case. The book referred to in that case.

On behalf of the Commissioner: The record of proceedings had by and before the Chambers Court or Commission on Citizenship are in possession of this office and when a decision is rendered in this case official notice will be taken of any proceedings had before said Court with reference to any applicants in this consolidated case.

Mr. Starr: The applicants request that the case of George W. Lynch be not closed at this time, and that they be given an opportunity to furnish the Commissioner with a list of witnesses, and move that the case be set for trial at some date convenient to the Commissioner, at which time testimony may be taken on the question of the return of George W. Lynch after the promulgation of the Treaty of July 19, 1866. That we do not represent George Irons, Betty Hayes and Richard Nero, and so far as the other cases are concerned they are closed.

Mr. Hastings: The representative of the Cherokee Nation object to any continuance of the case of George W. Lynch on the reason that they have agreed that all of the descendants of Moses Hardrick and Jeff and Mahala Lyons would be consolidated in this case when it was gone into and the testimony has been taken without any reference being made to any separate case for George W. Lynch, and the applicants closed the taking of their testimony and the Cherokee Nation has introduced testimony upon its side and the testimony of all parties have been introduced and now for the first time they ask for a continuance in this case. In fact no notice has been given of any witness they expected to testify in it. They have shown no diligence in the procurement of any witnesses, they have not given the name of any witness and do not say what they expect to prove by witnesses, and therefore the motion should not be granted.

Mr. Starr: Replying to this argument of the Attorney for the Cherokee Nation we desire to call the attention of the Commission to our motion to reopen this consolidated case which shows the parties we represented at the time and we desire to state further that we never represented George W. Lynch until here a few days ago.

On Behalf of the Commissioner: The records of this office show that the motion made for the reopening of the consolidated cases of George Irons, et al., included the following applications for enrollment:

George Irons, et al.,	F R	36
Bettie Hayes,	F D	87
Richard Ware,	F D	1328
Ned Lyons,	F D	281
Rachel Landrum	F D	282
Elias Lyons,	F D	283
Altha Moore, et al.,	F E	387
George W. Lynch,	F D	731.

Mr. Bixby, Commissioner: George W. Lynch is in this case.

Mr. Starr: George W. Lynch has a different status, he come from the south and the others come from the north.

Mr. Bixby, Commissioner: I know, but he was in this case.

Mr. Hastings: Yes sir.

Mr. Bixby, Commissioner: The Department's instructions seem to be explicit, I think we will have to deny the motion. The motion is denied.

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Geo. H. Lessley, being first duly sworn, states that as stenographer to the Commissioner to the Five Civilized Tribes, he reported the proceedings had in the above entitled cause, and that the above and foregoing is a true and correct transcript of his stenographic notes thereof.

Subscribed and sworn to before me this ^{23rd} day of July, 1906.

B. P. Rasmus
Notary Public.

C. M. McR.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Thomas Mayfield et al.,
for enrollment as Cherokee freedmen, consolidating the applications
of -

Thomas Mayfield	Cherokee Freedmen D 300
Charles Mayfield et al	Cherokee Freedmen D 302
Malinda Martin	Cherokee Freedmen D 306
Rena Blue	Cherokee Freedmen D 354
Moses Hardrick	Cherokee Freedmen D 314
Silas Hardrick	Cherokee Freedmen D 308
Sarah Bean	Cherokee Freedmen D 301
Nelson Hardrick et al	Cherokee Freedmen D 372
William Hardrick et al	Cherokee Freedmen D 320
Kliza J. Hardrick et al	Cherokee Freedmen D 321
Mary Hardrick et al	Cherokee Freedmen D 331

D E C I S I O N.

The record herein shows that applications for enrollment as Cherokee freedmen were made to this Commission by Thomas Mayfield for himself, among others; the other parties to this application being differently classified are not embraced in this decision; by Charles Mayfield for himself and wife, Maggie and minor children, Thomas, Richard, Lillie, Alice and James Mayfield; by Joseph Martin for his wife, Malinda Martin, among others; the other parties to the application being differently classified are not embraced in this decision; by Rena Blue for herself; by Moses Hardrick for himself; by Celia Hardrick for her husband, Silas Hardrick, among others; the other parties to the application being differently classified are not embraced in this decision; by Lewis Bean for his wife, Sarah Bean, among others; the other parties to the application being differently classified are not embraced in this decision; by Mary Hardrick, nee Baldrige, for herself, her husband, Nelson Hardrick, and minor children, Rebecca Owens, Susie Owens and Preville Hardrick, and minor stepchildren, Malinda and Leroy Hardrick; by William Hardrick for himself and minor children, Mabel and Leona Hardrick; by Kliza J. Hardrick for herself and minor children, Arthur, Ethel, Mattie and Claud Lynch, and by Mary Hardrick, daughter of Moses Hardrick, for herself and minor children, Amos and Jackson Louisa.

The evidence shows that the said Thomas Mayfield, Charles Mayfield, Maggie Mayfield, nee Ross, Moses Hardrick and Kliza J.

Hardrick were all slaves of Cherokee citizens at the commencement of the rebellion; that during said rebellion they left the Cherokee Nation and did not return thereto and establish a residence therein within the time specified in the decree of the Court of Claims rendered on February 3, 1896, in the case of Moses Whitmire trustee, etc., vs. the Cherokee Nation et al., for the return of Cherokee freedmen to said nation. All the other applicants herein, except Mary Hardrick, nee Baldridge, wife of Nelson Hardrick, and her minor children, Rebecca Owens, Susie Owens and Precilla Hardrick, are descendants of the said Thomas Mayfield, Charles Mayfield, Maggie Mayfield, Moses Hardrick or Eliza J. Hardrick; Nelson Hardrick and Mary Hardrick, daughter of Moses Hardrick, were born after the commencement of the rebellion and before their parents returned to the Cherokee Nation, and all of said other applicants have been born in said Cherokee Nation since 1866. It does not appear that any of said applicants are identified on the 1880 authenticated Cherokee roll.

The evidence further shows that the said Mary Hardrick, nee Baldridge, wife of Nelson Hardrick, is the daughter of Jack Baldridge who is identified on the 1880 authenticated roll of the Cherokee Nation. It is presumed from this enrollment that the Cherokee Nation recognized that Jack Baldridge complied with the terms of the treaty of 1866. The said Rebecca Owens, Susie Owens and Precilla Hardrick are the minor children of said Mary Hardrick.

The evidence further shows that the said Mary Hardrick has resided in the Cherokee Nation all her life; and the residence of said minor children is considered to be that of their mother, with whom they have always resided.

It is, therefore, the opinion of this Commission that Mary Hardrick, nee Baldridge, now the wife of Nelson Hardrick, having been born since 1866 should be enrolled as a Cherokee freedman, together with her minor children, Rebecca Owens, Susie Owens and Precilla Hardrick, in accordance with the provisions of section twenty-one of the act of Congress approved June 28, 1896 (30 Stat., 495); and it is further the opinion of this Commission that the applications for the enrollment of Thomas Mayfield, Charles Mayfield, Maggie Mayfield, Thomas Mayfield, son of said Charles Mayfield and Maggie Mayfield, Richard Mayfield, Lillie Mayfield, Alice Mayfield, James Mayfield, Malinda Martin, Emma Blue, Moses Hardrick, Silas Hardrick, Sarah Bean, Nelson Hardrick, Malinda Hardrick, Leroy Hardrick, William Hardrick, Mabel Hardrick, Leona Hardrick, Eliza J. Hardrick, Arthur Lynch, Ethel Lynch, Mattie Lynch, Claud Lynch, Mary Hardrick, daughter of said Moses Hardrick, Ames Lonien and Jackson Lonien, as Cherokee freedmen should be denied, under the provisions of said section twenty-one of the act of Congress above cited, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Signed.	Tom Bixby,	Chairman.
Signed.	T. B. Needles,	Commissioner.
Signed.	C. R. Breckinridge,	Commissioner.

Muskogee, Indian Territory,

this apr 20 1904

COPY

INDIAN TERRITORY, NORTHERN DISTRICT, --SS. In Re, Application for
enrollment of Leona Hardrick
child of William & Anna Hard-
rick.

Affidavit of Mrs. Mary Wilson,

On this 30th day of June, 1903, personally appeared before me, the undersigned Notary Public, Mary Wilson, well known to me, who stated in the matter of the above application as follows, to wit: that she is personally well acquainted with William & Anna Hardrick the applicants herein; that she lived about one mile from them in April, 1901, and knew that Mrs. Anna Hardrick was about to be confined; that Mrs. Hardrick had spoken to affiant to attend her in her confinement, and sent for her to come on the 11th day of April of that year; that it was storming so she did not go, but went the next day, April 12th, 1901, and found that said Mrs. Anna Hardrick had been confined and had been delivered of a female child; that she still lives near said Hardricks, and that said child is now alive and is named Leona Hardrick. Affiant says that she has no interest in this case and is not concerned in its prosecution, that she is 23 years old and her post office address is Vinita, I. T.

Witnesses Oscar Fountain
to mark Wm. Brown

her
Mary I Wilson
mark

(SEAL)

Subscribed and sworn to before me this 30th day of June, 1903.

Geo. E. McCulloch,
Notary Public.

Also William Hardrick the father of the above child states that he is unable to furnish the affidavit of the midwife who was to wait on his wife as she did not appear to wait on his wife, and that the affidavit of Mary Wilson above given is the best evidence he can give, in connection with that of his wife attached hereto.

William Hardrick.

Subscribed and sworn to before me this 30th day of June, 1903.

(SEAL)

My Comm Expires April 2nd, 1905.

Geo. E. McCulloch
Notary Public.

AFFIDAVIT.

UNITED STATES OF AMERICA, }
INDIAN TERRITORY, } SS
NORTHERN DISTRICT }

In the matter of the application of Eliza J. Hardrick
for enrollment as a Cherokee Freedman.

No. F. D. 321

Henry Pack, of lawful age, being duly sworn on
oath states that on the 17 day of September, A. D., 1901, he registered
to Eliza J. Hardrick whose postoffice is _____

Indian Territory, a notice, a true copy of which is attached to this affidavit, and he hereto
attaches the receipt of the Postmaster at Fort Gibson Indian Territory;
and that on the 23 day of September, 1901, he received the return
card which is hereto attached, signed by the said Eliza J. Hardrick, showing
that he had received said notice.

Henry Pack
Subscribed and sworn to before me on this the 23 day of Sept, A. D. 1901.

J. C. Starr
Notary Public.

NO. 321.

INDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the with-
in notice on

by delivering a true copy thereof on the
day of A. D. 1901

Given under my hand this
day of A. D. 1901.

Marshal for the Cherokee Nation.

I, the undersigned attorney for the
within named applicant hereby accept
service of the within notice on this the
day of, 1901.

Attorney for applicant.

UNITED STATES OF AMERICA, }
INDIAN TERRITORY, } s. s.
NORTHERN DISTRICT.

I do solemnly swear that I delivered a
true copy of the within notice to

on the day of A.D. 1901.

Subscribed and sworn to before me
this day of A.D. 1901.

Notary Public.
DEPARTMENT OF THE INTERIOR
COMMISSIONER TO THE FIVE CIVILIZED TRIBES

FILED
SEP 23 1901

ACTING CLERK

NOTICE!

IN THE MATTER OF the application of Eliza J. Hardrick
for enrollment as a Cherokee citizen:

Case No. D. 321

To Eliza J. Hardrick Vinita I. T.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee citizen at the office of the United States Commission to the Five Civilized Tribes in the town of Vinita, Indian Territory.
Indian Territory, on Oct. 3d at 8 o'clock A. M. or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission on the respective days above named, for the taking of testimony both for and against applicants for enrollment as Cherokee citizens.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this SEP 16 1901

L B Bell
M. M. [unclear]
Attorneys for the Cherokee Nation

Application for Enrollment of

INFANT CHILD

Claud Lynch

as a citizen of

Cherokee Nation.

Approved, **May 16 1901** 190...

T. B. Needles
Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
MAY 16 1901

Tom Sixty
Acting Chairman.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a citizen of the Cherokee Nation,
 of Claud Lynch (Here insert name of child.) , born on the 28 day of April, 1894
 Name of Father: Charles Lynch , a citizen of the Cherokee Nation.
 Name of Mother: Eliza J. Hardrick , a citizen of the Cherokee Nation.
 Post-office, Vinita, I. T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, }
 INDIAN TERRITORY, }
Northern District. }

I, Eliza J. Hardrick , on oath state that I am 44
 years of age and a citizen, by adoption , of the Cherokee Nation;
 that I am not the lawful wife of Charles Lynch , who is a citizen, by
adoption , of the Cherokee Nation; that a male child was
 (male or female.)
 born to me on the 28 day of April, 1894; that said child has been
 named Claud Lynch , and is now living.

WITNESSES TO MARK:

Eliza J. Hardrick

(Must be Two Witnesses)

Subscribed and sworn to before me this 15 day of May, 1904.

Louis T. Brown

NOTARY PUBLIC.

My commission expires March 17, 1904.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

(SEAL)

UNITED STATES OF AMERICA, }
 INDIAN TERRITORY, }
Northern District. }

I, Mary Hardrick , a midwife , on oath state that I
 attended on Mrs. Eliza J. Hardrick , not the wife of Charles Lynch ,
 on the 28 day of April, 1894; that there was born to her on
 said date a male child; that said child is now living and is said to have been
 (male or female.)
 named Claud Lynch.

WITNESSES TO MARK:

Mary Hardrick

(Must be Two Witnesses)

Subscribed and sworn to before me this 15 day of May, 1904.

My commission expires March 17, 1904.

Louis T. Brown

(SEAL)

NOTARY PUBLIC.

FID 321

19 702

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

Mrs. Mary Hardrick,

Ketchum, I. T.

Cherokee F-D-331.

Register.

TAMS BIXBY,

T. B. NEEDLES,

C. R. BRECKINRIDGE,

Commissioners.

41

FAD324

10

7

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

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Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

Mrs. Eliza J. Hardrick,
Vinita, I. T.
Cherokee P-D-531.
Register.

TAMS BIXBY,
T. B. NEEDLES,
C. R. BRECKINRIDGE,
Commissioners.

CHEROKEE FREEDMEN.

Date

May 16, 1901

Post Office

Vinita, Ok.

District

Delaware

1. Name

Age

Owner's name

Citizenship

Year

Page

No.

District

Parents:

Father

Mother

Citizenship

Name of wife

Age

Owner's name

Citizenship

Year

Page

No.

District

Parents:

Father

Mother

Citizenship

Citizenship

Names of Children:

2	Arthur Lynch	Year	R.L. Page 116	No.	2575	Dist.	20
3	Edna " "	Year	" Page 116	No.	2576	Dist.	14
4	Matthe " "	Year	" Page 116	No.	2577	Dist.	10
5	Clara " "	Year	" Page	No.	"	Dist.	7
7.		Year	Page	No.		Dist.	
8.		Year	Page	No.		Dist.	
9.		Year	Page	No.		Dist.	
10.		Year	Page	No.		Dist.	
11.		Year	Page	No.		Dist.	
12.		Year	Page	No.		Dist.	

Application made by

Mrs. C. H. Pothenger

Stenographer

C. H. Pothenger

1 An R.L. roll as Chippaw Hardwick

5 app. of birth required

V Ref. D 314

COPY

Cherokee Freedmen
D-331.

Muskogee, Indian Territory, May 24, 1904.

Mary Hardrick,

Ketchum, Indian Territory.

Dear Madam:

There is herewith enclosed a copy of the record of proceedings had in the matter of your application for the enrollment of yourself and your two minor children, Amos and Jackson Lonien, as Cherokee freedmen, together with a copy of the Commission's decision dated April 20, 1904, rejecting, among others, your said application.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

H. B. Needles.

Register

Commissioner in Charge

Enc. D-20.

COPY.

Cherokee Freedmen
D-200 et al.

Muskogee, Indian Territory, May 24, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the consolidated case of Thomas Mayfield et al., including the Commission's decision dated April 20, 1904, rejecting the applications for the enrollment of Thomas, Charles, Maggie, Thomas, Richard, Billie, Alice and James Mayfield, Malinda Martin, Emma Blue, Sarah Neen, Mary, Moses, Eliza J., Silas, William, Mabel, Leona, Nelson, Malinda and Leroy Hardrick, Anes and Jackson Lonien, Arthur, Ethel, Mattie and Clara Lynch, and granting the application for the enrollment of Mary and Freella Hardrick, Rebecca and Susie Owens, as Cherokee freedmen.

Respectfully,

T. B. Needles.

Through the
Commissioner of Indian Affairs.

Commissioner in Charge.

Enc. D-20.

Shawnee
Y 2 574 et al.

Wadogah, Indian Territory, July 23, 1906.

W. W. Hastings,

Attorney for the Shawnee Nation,

Wadogah, Indian Territory.

Dear Sir:

There is inclosed herewith a copy of supplemental testimony taken at Wadogah, Indian Territory, June 22, 23, and 24, 1906, in the matter of the applications for the enrollment of Moses Hardrick, et al., and George Irons, et al., as Shawnee freedmen.

Respectfully,

Ind. 22-24.
WCH

Commissioner.

Cherokee
P H 574 et al.

Muskogee, Indian Territory, July 23, 1906.

Starr & Patton,

Attorneys for Moses Hardrick, et al.,

Vinita, Indian Territory.

Gentlemen:

There is inclosed herewith a copy of supplemental testimony taken at Muskogee, Indian Territory, June 21, 22, and 23, 1906, in the matter of the applications for the enrollment of Moses Hardrick, et al. and George Irons, et al., as Cherokee freedmen.

Respectfully,

Ind. Cl-26.
GIL

Commissioner.

Muskogee, Indian Territory, August 4, 1906

Eliza Hardrick,

Vinita, Indian Territory.

Dear Madam:

Referring to this office's letter to you of July 31, 1906, in reply to your letter of July 21, relative to "affidavits of Mattie Lynch and Claud Lynch made by Charley Lynch and affidavit for Ethel Lynch," you are advised that the affidavits referred to by you have been received.

You are further advised that Ethel, Mattie and Claud Lynch are included in your application for enrollment as Cherokee freedmen; that said application was refused by the Secretary of the Interior October 13, 1905; a motion for review of said case was filed September 7, 1905, and the case remanded to this office for a rehearing April 5, 1906, where it is now pending.

Miss Hardwick--

The affidavits enclosed with your letter are returned herewith, and you are advised that this office does not receive affidavits in connection with Cherokee freedmen enrollment cases.

Respectfully,

L M B
Encl B-29

Commissioner

(CONT)

Refer in reply
to the following:
Land
35416--1904

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON, August 30, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to inclose herewith, a report from the Commission to the Five Civilized Tribes, dated May 24, 1904, transmitting the record of the consolidated application for enrollment as Cherokee freedmen under the act of Congress, approved June 25, 1896 (30 Stat. 495) by Thomas Mayfield, for himself; by Charles Mayfield for himself and wife, Maggie and minor children Thomas, Richard, Lillie, Alice and James Mayfield; by Malinda Martin for herself; by Emma Blue for herself; by Moses Hardrick for himself; by Silas Hardrick for himself; by Sarah Bean for herself; by Mary Hardrick born Walbridge, for herself, her husband, Nelson Hardrick and minor children, Rebecca Owen, Essie Owen and Fessile Hardrick, and minor step-children, Malinda and Leroy Hardrick; by William Hardrick for himself and his minor children, Mabel and Lena Hardrick; by Eliza J. Hardrick for herself and her minors, Arthur, Ethel, Mattie, and Claude Lynch, and by Mary Hardrick, daughter of Moses Hardrick, for herself and minor children, Adam and Jackson Lanier.

April 26, 1904, the Commission decided favorably on Mary Hardrick, born Walbridge, and her minor children Rebecca

Owens, Maria Owens and Precilla Hardrick, and unfavorably to the other applicants.

The record shows that the principal applicants, Thomas Mayfield, Charles Mayfield, Maggie Mayfield, born Ross, Moses Hardrick and Eliza Hardrick were all slaves of Cherokee citizens at the beginning of the war of the rebellion; that during the war they left the Cherokee Nation and that they returned thereto and established a residence therein, on or before February 11, 1867. All of the applicants who were of sufficient age are identified as Cherokee citizens on the Kern-Clifton roll. The applicants have been so enrolled and the Cherokee Nation seeking to deprive them of their rights under said roll, the burden of proof rests with the Nation to show that they have been wrongfully enrolled.

In the case at bar, we have the unimpeached testimony of three witnesses who swear positively that the principal applicants returned to the Cherokee Nation (that being the point at issue), prior to February 11, 1867.

The Cherokee Nation produces four witnesses who did not see the applicants in the nation prior to 1867. Each testimony cannot be considered as affecting the issue in any manner.

The Nation has presented the testimony of J. H. Johnson and George A. Campbell of Garnett, Kansas, who testify that the principal applicant Thomas Mayfield lived in Garnett from 1866 to 1868. Johnson appears to be a standard witness for the Cherokee Nation, in a large number of the Cherokee freedom cases.

In view of the record it is recommended that as much as
the Commission's decision as to feasibility of Mary Hartwick and
her nine children, between Owen, Susan Owen and Presilla Hartwick
be approved, and that the Commission's action adverse to the other
applicants be reversed and all of the applicants enrolled as
otherwise freedmen.

W.H.H.
V.

W.H.H. Agent
Commissioner

D.O. 30600-1904
I.T.D. 8900-1904

(COPY)

J.P.
FMR
L.R.S.

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

October 13, 1904

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

On August 30, 1904, the Commissioner of Indian Affairs submitted the consolidated Cherokee freedom case of Thomas Mayfield, et al., and recommended that your decision of April 20, 1904, as to all the applicants except Mary Hardrick, formerly Baldridge, Rebecca Owens, Susie Owens and Precilla Hardrick, be reversed, and that you be directed to enroll all the applicants.

You found that Thomas Mayfield, Charles Mayfield, Maggie Mayfield, formerly Ross, Moses Hardrick and Eliza J. Hardrick were slaves of Cherokee citizens at the commencement of the rebellion; that they left the Cherokee Nation during said rebellion and did not return thereto and establish a residence within the time specified in the treaty of 1866; that all the other applicants except Mary Hardrick, formerly Baldridge, and her minor children, Rebecca Owens, Susie Owens, and Precilla Hardrick, are the descendants of said Thomas Mayfield, Charles Mayfield, Maggie Mayfield, Moses Hardrick and Eliza J. Hardrick; that Nelson Hardrick, and Mary Hardrick daughter of Moses Hardrick, were born after the commencement of the rebellion and before their parents returned to the Cherokee Nation; that all the other applicants have been born in the Cherokee Nation since 1866.

You hold that Mary Hardrick, nee Baldridge, should be enrolled, together with her said children, but that the application for the enrollment of Thomas Mayfield, Charles Mayfield, Maggie Mayfield, Thomas Mayfield, son of said Charles Mayfield, and Maggie Mayfield, Richard Mayfield, Lillie Mayfield, Alice Mayfield, James Mayfield, Malinda Martin, Emma Blue, Moses Hardrick, Elias Hardrick, Sarah Ben, Nelson Hardrick, Malinda Hardrick, Leroy Hardrick, William Hardrick, Mabel Hardrick, Leona Hardrick, Eliza J. Hardrick, Arthur Lynch, Ethel Lynch, Mattie Lynch, Claude Lynch, Mary Hardrick, daughter of said Moses Hardrick, Amos Lonien and Jackson Lonien, should be denied, under the provisions of section 21 of the act of June 28, 1898 (30 Stat., 495).

The Commissioner found that the principal applicants Thomas Mayfield, Charles Mayfield, Maggie Mayfield, formerly Moss, Moses Hardrick, and Eliza J. Hardrick returned to the Cherokee Nation and established a residence therein on or before February 11, 1847. As all of the applicants who were of sufficient age are identified as Cherokee citizens on the Kern-Clifton roll, he considers that as to such applicants "the burden of proof rests with the Nation to show that they have been wrongfully enrolled".

As to this, see opinion of the Assistant Attorney General of March 22, 1904, approved by the Department, in which it is stated:

"While the above authorizes investigation of the claims of others than freedmen named in the roll of 1860, yet it is apparent that roll was considered by all parties to be approximately correct. Any one claiming the right to be added thereto should be required to assume the burden of proof and establish that right by satisfactory evidence."

The Commissioner concludes that the testimony introduced by the claimants is unimpeached, and states that the Nation produced four witnesses who did not see the applicants in the Nation prior to 1860; that such testimony cannot be considered as affecting the issue in any manner; that the Nation presented the testimony of J. M. Johnson and George A. Campbell, of Garnett, Kansas, who testified that the principal applicant Thomas Hayfield lived in Garnett from 1866 to 1868; but that Johnson "appears" to be a standing witness of the Cherokee Nation in a large number of Cherokee freedmen cases.

The Department finds the testimony introduced by the principal applicants entirely unreliable. Most of the witnesses for Thomas Hayfield merely state that they saw him in the Nation in the fall of 1866. Though he claims to have settled in the Nation in 1866, it is apparent, if he was there then, that he returned to Kansas and did not permanently locate in the Cherokee Nation until long after the time fixed in the treaty of 1866. One or two of the witnesses were only about ten years of age at the time they swear they saw Hayfield, who was a stranger to them, in the Nation in 1866. Even if Johnson was a "standing witness" for

-4-

the Nation, the applicants have introduced no testimony to impeach him, nor has the Department found any allegation that he is not entitled to credit. If the applicants, who it is positively testified resided in Garnett, Kansas, in 1866, 1867 and 1868, were not there then, it would seem they could easily show that fact.

The principal applicants and their attorneys were duly advised of your decision, and have not made any complaint in regard thereto, or any motion of any kind in the matter. The Department finds no reason to disturb your decision, and it is hereby affirmed.

You are, however, directed to adjudicate the rights as intermarried citizens, if any, of such persons who are married to recognized citizens mentioned in this case.

A copy of the Commissioner's letter is inclosed.

Respectfully,

(Signed) **Thos Ryan**
Acting Secretary.

1 inclosure.

COPY.

Cherokee Freedmen
D--331

Muskogee, Indian Territory, October 25, 1904.

Mary Hardrick,

Ketchum, Indian Territory,

Dear Madam:

You are hereby advised that the Commission's decision dated April 20, 1904, rejecting, among others, the application for the enrollment of yourself, and your children, Amos and Jackson Lonien, as Cherokee freedmen, was affirmed by the Secretary of the Interior on October 13, 1904.

Respectfully,

(SIGNED)

John S. May
Chairman.

Cherokee Freedmen
D 200 et al

Waskagee, Indian Territory, October 26, 1904.

Hall, Hastings & Davenport,
Attorneys for Cherokee Nation,
Vinita, Indian Territory.

Gentlemen:

You are hereby advised that the Commission's decision, dated April 20, 1904, rejecting the applications for the enrollment of Thomas, Charles, Maggie, Thomas, Richard, Lillie, Alice and James Mayfield, Malinda Martin, Emma Blue, Moses and Elias Hardrick, Sarah Bean, Nelson, Malinda, Leroy, William, Nabel, Leona and Eliza J. Hardrick, Arthur, Ethel, Mattie and Claude Lynch, Mary Hardrick and Ames and Jackson Lemien, and granting the application for the enrollment of Mary Hardrick, nee Baldrige, and her minor children, Rebecca and Sarah Owens and Freckle Hardrick, as Cherokee freedmen, was affirmed by the Secretary of the Interior on October 12, 1904.

Respectfully,

WIGNED *Jennie Luby*
Chairman.

J.P.

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

JMR.

I.T.D. 6968-1904.
8381, 8383, 8385-1905.
8821-
1938, 2830, 8398-1906,

April 8, 1906.

LRS

The Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

The Department has considered a motion for rehearing filed February 17, 1906, in the Cherokee freedmen case of Moses Hardrick, with which were consolidated the cases of Silas Hardrick, Sarah Bean, Nelson Hardrick et al, William Hardrick et al, Eliza J. Hardrick et al, and Mary Hardrick et al, and the cases of Thomas Mayfield, et al. This motion also applies to the case of Louisa Mayfield, the subject of departmental letter of even date.

On March 14, 1906, the Department ordered a rehearing in the case of Thomas Mayfield, et al.

Satisfactory reasons having been shown why a rehearing should be had in the case of Moses Hardrick, Silas Hardrick, Sarah Bean, Nelson Hardrick et al, William Hardrick et al, Eliza J. Hardrick et al, and Mary Hardrick et al, the motion is granted, and the decision of the Department of October 16, 1904, affirming the decision of the Commission adverse to said claimants, is hereby rescinded.

This action disposes of the motions for review in the cases of Sarah Bean, Moses Hardrick, William Hardrick, et al, and Eliza J. Hardrick, et al, filed September 7, 1905, by the same attorney filing the motion for rehearing.

The motion for rehearing and the original testimony in the case of Thomas Mayfield and Moses Hardrick, et al, are inclosed.

The Department sees no objection to the request of the attorneys for the claimants that the Mayfield cases be tried separate from the Hardrick cases.

Respectfully,

Thos. Ryan,

First Assistant Secretary.

2 inclosures.

Through the Commissioner
of Indian Affairs.

COPY.

Cherokee
F R 631.

Muskogee, Indian Territory, April 24, 1906.

Eliza J. Hardrick,

Vinita, Indian Territory.

Dear Madam:

You are hereby advised that this office is in receipt of Departmental letter of April 5, 1906, wherein a motion filed by your attorneys February 17, 1906, for rehearing in the Cherokee freedman enrollment case of Moses Hardrick, et al., with which was consolidated your application for the enrollment of yourself and minor children as Cherokee freedmen, is granted, and the decision of the Department of October 13, 1904, affirming the decision of the Commission to the Five Civilized Tribes adverse to you, is rescinded.

Your attorneys, Bulger, Starr & Patten, Vinita, Indian Territory, have this day been directed to notify this office at the earliest practicable date the names and addresses of any witnesses proposed to be introduced in your behalf, and upon receipt of that information a day will be fixed for the hearing of your case, of which you will be duly notified.

Respectfully,

RECORDED

Wm. P. Beall
Acting Commissioner.

CHL

COPY.

Shawnee
F R 874 et al.

Washago, Indian Territory, April 24, 1904.

Delger, Starr & Patton,

Attorneys for Hones Wardrick, et al.,
Vinita, Indian Territory.

Gentlemen:

You are hereby advised that this office is in receipt of Departmental letter of April 5, 1904, wherein a motion for rehearing filed by you February 17, 1904, in the Shawnee freedman case of Hones Wardrick, et al., is granted and the decision of the Department of October 13, 1904, affirming the decision of the Commission to the Five Civilized Tribes adverse to the applicants therein, is rescinded.

You are directed to notify this office at the earliest practicable date the names and addresses of any witnesses you propose to introduce in this case, and upon receipt of that information a day will be fixed for the hearing of the case, of which you will be duly notified.

For your information there is inclosed herewith a copy of Departmental letter referred to.

Respectfully,

Incl. 62-23.

Wm. J. Hall
Acting Commissioner

COPY.

Cherokee
P R 474 et al.

Washoe, Indian Territory, April 21, 1904.

Sell, Washings & Davenport,
Attorneys for the Cherokee Nation,
Washoe, Indian Territory.

Gentlemen:

You are hereby advised that this office is in receipt of Departmental letter of April 8, 1904, wherein a motion for rehearing filed February 17, 1904, in the Cherokee Freedmen enrollment case of Messrs Hardwick, et al., is granted, and the decision of the Department of October 12, 1904, affirming the decision of the Commission to the Five Civilized Tribes adverse to the applicants therein, is rescinded.

The attorneys for applicants, Bulger, Starr & Patton, Vinita, Indian Territory, have this day been notified of the Department's action, and directed to advise this office at the earliest practicable date the names and addresses of the witnesses as they propose to introduce in this case. Upon receipt of such information you will be advised of the same, and a day will be fixed for the hearing of said case of which you will also be advised.

For your information there is inclosed herewith a copy of Departmental letter referred to.

Respectfully,

RECORDED

Wm. B. Beall
Acting Commissioner

Encl. 41-44.

-Copy-

D.C.1869.

Vinita, I. T., May 16, 1906.

The Honorable,

The Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Dear Sir:-

In the matter of the application for the enrollment of
Moses Hardrick et al, we desire to inform you that we have
selected the following witnesses on the part of the applicants
and we are ready to have them present before the Honorable
Commissioner at any time this cause is set for re-hearing:

ELIZABETH THOMAS-----	IOLA, KANSAS.
JOHN C. THOMAS-----	IOLA, KANSAS.
MRS. SARAH BIRD-----	R.F.D. #3, LONGTON, KANS.
PHILEX LORANCE-----	R.F.D. #6, HOWARD, KANS.
JAMES CRISTY-----	GENEVA, KANSAS.
JACK MORRIS SR.-----	IOLA, KANSAS.
JOHN WALTERS-----	TABLE MOUND CEMENT WORKS, INDEPENDENCE KANS.
MRS. MAGGIE MORVILLE-----	IOLA, KANSAS.
ANDY PEY-----	KETCHUM, I. T.
MELLIE PEY-----	KETCHUM, I. T.
TOBIAS KEAN-----	KETCHUM, I. T.
LEANDER KEAN-----	KETCHUM, I. T.
THOMAS E. MOORE-----	KETCHUM, I. T.
NOBA MOORE-----	KETCHUM, I. T.
CYNTHIA LYNN-----	KETCHUM, I. T.
SIMON LYNN-----	CHAFFEE, I. T.
T. F. THOMPSON-----	VINITA, I. T.

Yours truly,

Starr & Patten,

Attorneys

Cherokee Freedmen
N 574

Muskogee, Indian Territory, May 25, 1906

**Bell, Hastings and Inverport,
Attorneys for Cherokee Nation,
Muskogee, Indian Territory.**

Gentlemen:

**You are hereby advised that the petition of
Starr and Patten, attorneys for Moses Hardrick, et al.,
that a hearing in said cases be had at Vinita, Indian
Territory, at a date convenient to the Commissioner, which
petition was received at this office with their letter of
May 14, 1906, was denied May 24, 1906.**

**You are advised in a separate letter of the
setting of these cases for hearing.**

Respectfully,

LMB

Acting Commissioner

(C O P Y)

Vinita, I.T. May 30, 1906

The Honorable,

The Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Dear Sir:

In the matter of the application for the enrollment of Moses Hardrick et al., we desire to inform you that we have selected the following witnesses on the part of the applicants and we are ready to have them present before the Honorable Commissioner at the time this cause is set for re-hearing.

Calvin Ross -----	Iola, Kansas,
Elizabeth Thomas, -----	Iola, Kansas,
John C. Thomas, -----	Iola, Kansas,
Mrs. Sarah Bird, -----	R.F.D. #3, Longton, Kansas
Phelix Lerance -----	R.F.D. #6, Howard, Kansas
James Cristy, -----	Geneva, Kansas,
Jack Morris, Sr., -----	Iola, Kansas
John Walters, ---Table Mound Cement Works, Independence, Ks.	
Mrs. Maggie Harville, -----	Iola, Kansas.
Andy Fry, -----	Ketchum, I. T.
Millie Fry, -----	Ketchum, I. T.
Tobias Bean, -----	Ketchum, I.T.
Leander Bean, - -----	Ketchum, I. T.
Thomas H. Moore, -----	Ketchum, I.T.
Rosa Moore, -----	Ketchum, I. T.
Cynthia Lynch, -----	Ketchum, I. T.
Simon Lynch, -----	Ketchum, I. T.
Z. F. Thompson, -----	Vinita, I. T.
Arthur Bean, -----	Ketchum, I.T.
Joe Davis, -----	Vinita, I. T.
Eob Downing, -----	Catale, I. T.
Jennie Downing, -----	Catale, I. T.
Daniel Sanders, -----	Centralia I. T.
Joseph Bean, -----	Chaffee, I. T.

We will also recall Nelson Moore, witness for the Cherokee

Nation, for further cross examination.

Respectfully,

Starr & Patten
Attorneys for Applicants.

**Cherokee Freedmen
R 874**

Muskogee, Indian Territory, June 4, 1906.

Starr and Patten,

Attorneys for Moses Hardrick et al.

Vinita, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of May 30, 1906, advising the names and addresses of the witnesses you propose to introduce in the Cherokee Freedmen enrollment case of Moses Hardrick, et al.

Respectfully,

LMB

Commissioner

Hastings, Indian Territory, June 4, 1906

Hall, Hastings and Denverport,
Attorneys for Cherokee Nation,
Hastings, Indian Territory.

Gentlemen:

You are advised that this office is in receipt of letter from Starr & Patten, attorneys for applicants in the Cherokee Freedmen enrollment case of Moses Hardrick et al., advising that they will introduce the testimony of the following witnesses in behalf of applicants:

Calvin Dean,	Idola, Kansas,
Elizabeth Thomas,	"
John C. Thomas,	"
Mrs. Sarah Bird,	R.F.D. #5, Langton, Kansas
Phelix Lerame,	R.F.D. #5, Howard, Kansas
James Cristy,	Seneca, Kansas,
Jack Morris, Sr.	Idola, Kansas
John Valters,	Table Mount Cement Works, Independence, Ka.
Mrs. Maggie Harville,	Idola, Kansas,
Andy Fry,	Ketchum, Indian Territory
Willie Fry,	Ketchum, Indian Territory.
Thomas Dean,	Ketchum, Indian Territory
Leander Dean,	Ketchum, Indian Territory.
Thomas H. Moore,	Ketchum, Indian Territory
Rea Moore,	Ketchum, Indian Territory

Bill, Martins & Thompson-2

William Lynch,	Wetmore, I. T.
James Lynch,	" "
T. P. Thompson,	Vinita, " "
Arthur Dean,	Ketchum, I. T.
Joe Davis,	Vinita, I. T.
Bob Downing,	Catale, I. T.
Jennie Downing,	Catale, I. T.
Daniel Sanders,	Centralia, I. T.
Joseph Dean,	Chaffee, I. T., and will re-

call Nelson Moore, witness for the Cherokee Nation, for
further cross-examination.

Respectfully,

END

Commissioner

Cherokee F.
R-681

Muskogee, Indian Territory, February 13, 1907

Elisa J. Hendrick,

Vinita, Indian Territory.

Dear Madam:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 13, 1907, rejecting, among others, the application for the enrollment of yourself and children as Cherokee freedmen. Your attorneys, Starr & Patten, Vinita, Indian Territory, have heretofore been furnished a copy of the record of proceedings had in the case, and there has this day been forwarded them a copy of the Commissioner's decision.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. You will be advised of the Secretary's action as soon as this office is informed of the same.

Respectfully,

Encl. HJ-25
JMH

Commissioner.

Register.

Sherokee F.
A 874 et al.

McKague, Indian Territory, February 13, 1907.

Starr & Patton,

Attorneys for Moses Hardrick, et al.,

Winita, Indian Territory.

Gentlemen:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 13, 1907, dismissing the application for the enrollment of Malinda Hardrick, and rejecting the applications for the enrollment of Moses Hardrick, et al., as Cherokee freedmen. You have heretofore been furnished with a copy of the record of proceedings had in the case.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. You will be advised of the Secretary's action as soon as this office is informed of the same.

Respectfully,

Encl. EJ-38/
EJS

Commissioner.

Cherokee Y.
574 et al.

Muskogee, Indian Territory, February 13, 1907.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 13, 1907, dismissing the application for the enrollment of Malinda Wardrick, and rejecting the applications for the enrollment of Moses Wardrick, et al., as Cherokee freedmen.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. You will be advised of the Secretary's action as soon as this office is informed of the same.

Respectfully,

Encl. HJ-38.
HJS

Commissioner.

Washago, Indian Territory, February 13, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record of proceedings had in the matter of the application for the enrollment of Moses Hardrick, et al., as Cherokee freedmen, together with the decision of the Commissioner to the Five Civilized Tribes, dated February 13, 1907, dismissing the application for the enrollment of Malinda Hardrick and rejecting the applications for the enrollment of Moses and Elias Hardrick, Sarah Dean, Nelson, LeRoy, William, Mahel, Leona and Eliza J. Hardrick, Arthur, Ethel, Mattie, and Gladys Lynch, Mary Hardrick, Anna, and Jackson Lanyon, George, Bertha and Mattie Lyons, Elmore Fivens, Bettie Hayes, Richard and Willie Ware, Ned Lyons, Rachel Landrum, Eliza and Bulah J. Lyons, Altha and Oscar Moore, George W., Lucetta and Eliza Lynch,

on the above grounds.

On April 8, 1906 (I.Y.B. 2222-1904, 2241, 2242, 2243, 2244, 2245-1904, 1924, 2250, 2252-1904), the Department rescinded its decision of October 13, 1904, adverse to the claimants in the case of Moses Wardrick, et al., and remanded the case to this office for further hearing and readjudication, and on May 11, 1906 (I.Y.B. 2255, 2256, 2257-1906, 1957, 1958, 2259-1906), the Department remanded to this office for further hearing and readjudication the case of George Irons, et al.

Respectfully,

Encl. NF-39.
HJC

Commissioner.

Through the Commissioner
of Indian Affairs.

(COPY)

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

LAND.
16327-1907
19100- "

February 27, 1907.

(COPY)

The Honorable,

The Secretary of the Interior,

Sir:

I have the honor to transmit herewith a communication from Commissioner Bixby, dated February 13, 1907, enclosing the record on the re-hearing of the application for the enrollment of Moses Hardrick, et al., as Cherokee freedmen, together with his decision, dated February 13, 1907, dismissing the application for the enrollment of Malinda Hardrick, and rejecting the applications for the enrollment of Moses and Silas Hardrick, Sarah Bean, Wilson, Le Roy, William, Wable, Leona and Eliza J. Hardrick, Arthur, Ethel Mattie and Claud Lynch, Mary Hardrick, Anas and Jackson Henson, George, Bertha, and Bettie Irons, Elvera Hivens, Bettie Hayes, Richard and Nellie Fox, Ned Lyons, Rachel Landrum, Eliza and Nelson J. Lyons, Altha and Oscar Moore, George W., Rosetta and Eliza Lynch.

There was also filed in this office on February 13, 1907, an appeal from the Commissioner's decision, together with brief and argument in support thereof, filed in the office on February 28, 1907, by McGowan, Gervon & Bohm, attorneys for the applicants.

-2-

The Office has examined the testimony taken at the re-hearing of this case, and is of the opinion that it supports the decision rendered by the Commissioner in this matter. It therefore respectfully recommends that the decision of the Commissioner, rejecting the above named applicants, be affirmed.

Very respectfully,

G. F. Larrabee

Acting Commissioner.

EVB--SD

YRS.

V.E.H.
S.P.

DEPARTMENT OF THE INTERIOR,

D.C. 12630-1907.

WASHINGTON,

I. F. D.

5694, 5712, 5714, 5716,
5724, 5768, 5808, 5822,
5826, 5836, 5850, 5852,
5860, 5866, 5870, 5772,
5880, 5910, 5916, 5934,
5942, 5946, 5948, 5950,
5954, 5960, 5970, 5972,
5994, 5996, 6000, 6002,
all 1907.

March 2, 1907.

DIRECT.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

Your decisions in the following Cherokee citizenship cases adverse to the applicants are hereby affirmed. Copies of Indian Office letters submitting your reports and recommending that the decisions be affirmed are enclosed:

Title of Case.	Date of your letter of transmittal.
Hoses Harwick, et al. (freedom),	February 13, 1907.
Alexander M. Anderson,	February 21, 1907.
William Patrick,	February 19, 1907.
Leona Arreta Kincaid,	February 13, 1907.
Norma Worley Elkin, (freedom),	February 12, 1907.
James McGinnis,	February 2, 1907.
George V. Hill,	February 13, 1907.
Lydia M. Ward, et al. (freedom),	February 12, 1907.
Mary B. Scher,	February 8, 1907.
Charlotte K. Laughlin, et al.,	February 21, 1907.
Jessie Lee Ligon, et al.,	February 13, 1907.
Joseph Hansen,	February 14, 1907.
John Earl Redfern, et al.,	February 13, 1907.
Minnie L. Foose, et al. (freedom),	February 13, 1907.
Clark E. Germany,	February 13, 1907.
George E. Freeman (freedom),	February 14, 1907.

Title of Case.	Date of your letter of transmittal.
Mary J. Graybeard,	February 8, 1907.
Sarah Stagg, et al.,	January 17, 1907.
Alverts Blannings, et al. (freedmen),	February 12, 1907.
Tyre Finley (freedman),	February 12, 1907.
Clarence Landrum, et al (freedman),	February 14, 1907.
Minnie E. Powell,	February 14, 1907.
D. H. Flourney,	February 2, 1907.
Sarah J. Martin,	February 14, 1907.
Elizabeth Coleman,	February 8, 1907.
Rexie Christine Blane,	February 16, 1907.
Ella Hill, (freedman),	February 16, 1907.
Jane Langley,	February 6, 1907.
Frances Elizabeth Forbes,	February 12, 1907.
Isabelle J. Paris,	February 8, 1907.
Clarence Hill, et al. (freedman),	February 12, 1907.
Mary Dean, et al. (freedman),	January 18, 1907.

A copy hereof and all the papers in the above mentioned cases have been sent to the Indian Office.

Respectfully,

(Signed) Jesse E. Wilson,

Assistant Secretary.

13 enclosures, and
70 enclosures to Ind Of.,
with carbon hereof.

A. P. Ho.
3-2-07.

Cherokee V
A. 623.

EDPY

Muskogee, Indian Territory, March 22, 1907.

Miss J. Hardick,

Vinita, Indian Territory.

Dear Madam:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated February 13, 1907, rejecting the application for the enrollment of yourself and children, Arthur, Ethel, Mattie and Claud Lynch, as Cherokee freedmen, was affirmed by the Secretary of the Interior, March 2, 1907.

Respectfully,

SIGNED *James B. Bixby*
Commissioner.

LHC

Shoshone P
R 621.

COPY

Malheur, Indian Territory, March 28, 1907.

Starr & Patton,

Attorneys for Moses Wardick, et al.,
Winita, Indian Territory.

Gentlemen:

You are hereby advised that the decision of the Council
given to the Five Civilized Tribes, dated February 18, 1907,
rejecting the application for the enrollment of Moses Wardick,
et al., as Shoshone freedmen, was affirmed by the Secretary of
the Interior, March 2, 1907.

For your information, there is enclosed herewith a
copy of Departmental decision referred to,

Respectfully,

SIGNED *James B. Bixby*

Commissioner

Encl. 6-28
LMS

COPY

Cherokee F.
874 et al.

Muskogee, Indian Territory, March 22, 1907.

W. W. Hastings,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated February 13, 1907, rejecting the application for the enrollment of Moses Wardrick, et al., as citizens of the Cherokee Nation, was affirmed by the Secretary of the Interior, March 2, 1907.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

SIGNED *Turns Bixby*

Commissioner.

Encl. 2-50
LMC

Cher. Fr. R. 632

Cher. Fr. R. 632

Trans. from D 412

Commissioner

Subscribed and sworn to before me this 22d of August, 1901.

Transcript of the testimony and proceedings in said case.
and that same is a true and complete copy of the original.
The Commission to the Five Civilized Tribes in which the foregoing
J. O. Roemer, being duly sworn, deposes that he subscribed to

---000000000000---

ACTING CHAIRMAN

Subscribed and sworn

Commissioner

G. H. Blackburn, Jr.,
Sept 3rd 1901 at New York

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
AUG 22 1901

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES,
VINITA, I.T., MAY 8, 1902.

In the matter of the application of Heatie Martin for enrollment as a Cherokee Freedman, she being sworn and examined by Commissioner T. B. Hurdles, testified as follows: Mr. Hallette, Attorney for Applicant, present.

Q What is your name? A Heatie Martin.
Q What is your age? A 54.
Q What is your post office? A Vinita.
Q Do you apply to be enrolled as a Cherokee Freedman? A Yes, sir.
Q Did you ever apply to be enrolled as a Freedman of any other tribe or Nation? A No, sir.
Q Did you draw any money from any other Nation or tribe? A No, sir.
Q Have you been recognized by the Cherokee authorities as a Cherokee Freedman? A No, sir.
Q Is your name on the roll of 1880? A I don't know whether it is or not.

William Hallette: Is your name on the Kern-Clifton roll?
A Yes, sir, I drew money then.
Q Were you a slave during the war? A Yes, sir.
Q Who was your master? A Washington Asair.
Q Where did you live? Down on Saline.
Q Did you leave the Cherokee Nation during the war? A Yes, sir.
Q Where did you go? A To Fort Scott, Kansas.
Q When did you return to the Cherokee Nation? A In '66.
Q How did you come with? A With Mr.
Q Who did you come with? A My brother brought me.
Q Who is your brother? A Tobe Bean.
Q How did he happen to bring you? A Father got him to go after me and bring me; my husband was sick, I couldn't come, and he said I would lose my home if I didn't come.
Q Did Tobe Bean come to the Cherokee Nation before you did?
A Yes, sir, and then went back and got me.
Q How long before he came after you before he came here?
A About a month.
Q And what time of the year in '66 was it you were brought here by your brother? A In the fall.
Q Why didn't you come when Tobe came and the rest of the band?
A I wasn't able to come.
Q You were sick? A Yes, sir.
Q And in a short time he returned and brought you back?
A Yes, sir.
Q Where did he bring you to? A Down here on the river.
Q Have you lived in the Cherokee Nation continuously since that time? A Yes, sir.
Q Is your husband living? A No, sir.
Q Do you own a place in the Cherokee Nation? A Yes, sir, living on a place.
Q Where? A Down on Grand river.

W. W. Hastings: You didn't come with your brother Tobe, as I understand, when he first came? A No, sir, not with that crowd.
Q He came and got a wagon and went down after you? A Yes, sir.
Q Just you and your brother came back? A Yes, sir.
Q Did you have any children? A Yes, sir.
Q Did they come with you? A I had two.
Q What children you had? A Yes, sir.
Q What were their names? A Louis and Rachel.
Q They came with your brother? A Yes, sir.
Q That was all? A Yes, sir, that was all I had.
Q That was all in the crowd? A That was all my children; my cousin was along. He is dead now.
Q What was his name? A Tobe Bean.
Q Along with that crowd was you, and your brother, and your two children and Tobe Martin? A Yes, sir.

Q and that was in the fall of the year? A Yes, sir.
Q You are positive that was in '66? A Yes, sir, they said it was in '66.
Q It must have been that time then? A Yes, sir.
Q You don't know whether that was before or after Christmas?
A It was before Christmas. Christmas is way in the winter.
Q What kind of a team did your brother have? A I don't know, sir.
Q You don't remember? A I don't remember.
Q Was it an ox team or horse team? A It was a horse team.
Q Did you have more than one wagon? A We had two wagons.
Q Who drove the other wagon? A There was another man with us.
Q What other man? A Tobe Martin.
Q Was he here before? A Yes, sir.
Q The two came up in two wagons? A Yes, sir.
Q And where did you come to what point did you come?
A Down on Grand river.
Q Down in the Bean settlement--down near Island Ford?
A Yes, sir, to my father's house, Gandy Bean.
Q Did your father come before you did? A Yes, sir, father was the one that wanted me to come, he was anxious for me to come and not lose my home.

The 1880 authenticated roll and the 1896 census roll of the Freedmen of the Cherokee Nation examined and the name of the applicant not identified therein.

The Kerns Clifton roll of the freedmen of the Cherokee Nation examined and the name of the applicant is identified on page 168, No. 4144, Heatie Martin, Cooweescoowee District.

TOBE BEAN, being sworn by Commissioner Needles, and examined by Attorney William Mollette, testified as follows:

Q What is your name? A Tobe Bean.
Q How old are you? A 63 I guess.
Q Where do you live? A In Delaware District.
Q Do you know Heatie Martin? A Yes, sir.
Q Do you know where she was in the year 1866? A Yes, sir.
Q Where was she? A She was in Kansas part of the year, and the balance part she come down here along in the winter.
Q How do you know she come down here? A She come with me when I here in the winter of '66.
Q How did you happen to bring her? A She was my sister, and I went there and she wanted to come with me, and I brought her.
Q How about your going back? A I went back.
Q Well, did you come here first? A Yes, sir, I come here first, and went back early in the winter, and then she come with me when I come back.
Q Why didn't she come with you the first time? A I wasn't prepared to bring her; I just come to locate.
Q How long after your arrived here, did you go back after her?
A A month, I guess, or a little afterwards.
Q Did you get back here with her before Christmas? A Yes, sir.
Q Where has she lived since that time? A Over on Grand river.
W. W. Hastings: How went back in a wagon after her?
A Yes, sir, we went back in a wagon.
Q Who went with you? A Joe Bean, Tobe Martin.
Q Who else? A Walker Vann.
Q Anybody else? A No, sir.
Q How many wagons did you take? A We carried two.
Q Who drove the other? A Joe Bean drove one and Walker drove one.
Q Didn't you drive one? A No, sir, I didn't drive one.
Q What wagon did she come back in? A She come back in her own.
Q She had a wagon up there? A Yes, sir.
Q How many wagons come along when you come back? A Three.
Q Then you didn't take a wagon up there for her?
A I took a wagon along.
Q But she come back in her own wagon? A Yes, sir, we helped her to move.

Q Did her husband come with her? A No, sir.
 Q Any children? A Yes, sir.
 Q What children? A Two, I believe.
 Q They come back in the fall? A In the winter like; it wasn't in the fall; it was getting cool.
 Q The winter after you came in the fall before? A Yes, sir.
 Q And these wagons come along? A Yes, sir.
 Q One was hers? A Yes, sir.
 Q And one was Joe Bean's? A Yes, sir.
 Q And who did the other belong to? A I don't know who it belonged to, whether it belonged to Joe or not, Walker drove one of them.

GEORGE VANN, being sworn by Commissioner Needles, and examined by Attorney William Mellette, testified as follows:
 Q George Vann, your name? A Yes, sir.
 Q Where do you live? A I live in Coowasecoowee district.
 Q Are you on the authenticated roll of the Freedmen citizens of the Cherokee nation? A Yes, sir.
 Q Do you know Neatie Martin? A Yes, sir.
 Q Do you know where she was in the year 1866? A No, sir, I don't. she come down here; I didn't see her until '67; about along Christmas up on the river.
 Q You don't know anything about her? A I think it was Christmas; no, it was January.
 Q Of what year? A '67, I think.
 Q It was the January after you came here? A Yes, sir, the January after I come here; she never come with us.
 Q Now, when did you come here? A I come here in '66. It was either in the first of October or the last of September, I forget which. I don't know exactly.
 Q Did you come with Tobe Bean? A Yes, sir.
 Q What do you know about Tobe Bean going back and getting her? A I don't know anything more than what he said. I didn't see her until '67.
 Q Where did you see her? A On the river; where they live on Island Ford.
 L. B. Bell: Where were they living there at Island Ford, George?
 A They were living as near as I can recollect where - close to the old Lynch's place.
 Q Locate it a little better than that, please? A I can't locate it any better.
 Q Where was it, down the river or south or where? A South.
 Q Out on the prairie? A Yes, sir, kind of out in the prairie.
 Q How far from the river? A Not far from the river; I don't know how far.

LOU BEAN, being sworn by Commissioner Needles and examined by Attorney William Mellette, testified as follows:
 Q What is your name? A Lou Bean.
 Q What is your age? A 50 years old.
 Q Are you a freedman citizen of the Cherokee Nation? A Yes, sir.
 Q On the authenticated roll? A Yes, sir.
 Q Did you leave the Cherokee Nation during the war? A Yes, sir.
 Q When did you come back? A '66.
 Q What time? A Fall of '66.
 Q Do you know Neatie Martin? A Yes, sir, I know her.
 Q Do you know where she was in 1866? (No answer.)
 Q Where was she at the time she come back to the Cherokee Nation from Kansas? A I just couldn't tell you where she was.
 Q You didn't know where she was? A No, sir.
 Q When did you see her in the Cherokee Nation, or do you know - do you remember the first time? A I seen her in the Cherokee Nation in '66.
 Q Do you know when she came, or how she came? A No, sir, I don't exactly know who she come; she come in a wagon.
 Q You know who brought her? A Tobe Bean brought her.
 Q How do you know? A He want after her from home.

- Q How do you know that? A He said that.
- Q Did you see him start? A Yes, sir, I seen them when they started.
- Q You saw Tobe Bean start on his journey to Kansas after Heatie Martin? A Yes, sir.
- Q Did you see them when they come back? A I seen them shortly after they come back.
- Q Was it still in the year 1866 when you saw them?
- A I don't know, sir, whether it was; I think it was though.
- Q How long after you got here when Tobe Bean started after her?
- A Not very long.
- Q How long was he gone? A I just couldn't tell you, because I didn't keep a count.
- Q How know he did go back? A Yes, sir, I know he went back after her.
- Q And that she come back? A Yes, sir, she come.
- W. W. Hastings: Did Tobe go back by himself? A No, sir, his brothers went back with him.
- Q What was his brothers' names? A George, Jack and Joe and Art.
- Q They all went back with him? A Yes, sir.
- Q How many wagons did they take? A I don't know, sir.
- Q Did each one of them have a wagon? A I couldn't tell you that, whether each one of them have a wagon or not.
- Q You know Tobe took a wagon for her? A Yes, sir.
- Q You didn't see her as she come back? A No, sir, I seen her shortly after she come back.
- Q You don't have any idea how many wagons they took?
- A No, sir, I don't.
- Q You only saw the one? A I know he took one.
- Q Ox team? A No, sir, horse; they quit using oxen mostly then; they used to use oxen before the war; that had mostly quit using them then.
- Q You know what time of the year that was? A No, sir.

- PHYLLIS BEAN, being sworn by Commissioner Needles and examined by Attorney William Mellette, testified as follows:
- Q Phyllis Bean, your name? A Yes, sir.
- Q How old are you? A I don't know exactly how old I am.
- Q About how old? A I guess about fifty.
- Q Are you a Freedman citizen of the Cherokee Nation? A Yes, sir.
- Q On the authenticated roll? A Yes, sir.
- Q Were you out of the Territory during the war? A Yes, sir.
- Q Did you leave the Cherokee Nation? A Yes, sir.
- Q Where did you go? A To Kansas.
- Q Did you come back to the Cherokee Nation? A Yes, sir.
- Q When? A '66.
- Q Who came with you? A Tobe Bean, George Vann, my Uncle Gilbert; a lot of them.
- Q Do you know Heatie Martin? A Yes, sir.
- Q Did she come with you? A She come with Tobe.
- Q Did she come with that crowd? A No, sir, she didn't come with that crowd.
- Q Who did she come with? A She come when Tobe went back.
- Q How long after you and Tobe came, did he go back after Heatie?
- A Not very long. I never kept count.
- Q Give an idea how long - one week, two weeks, or three weeks?
- A About three weeks, I guess.
- Q And how long was he gone after her? A He wasn't gone so long before he come right back.
- Q What time in the year had you gotten here, you and Tobe?
- A I don't know, sir, what time - in the fall of '66.
- Q And you saw you don't know how long he was gone after her?
- A I don't know just how long; we were on Spring Cree, and he stopped on the river where he is living now. I don't know how long he was gone.
- Q Did you see her after she came? A Yes, sir.

Q How long after she came? A Along afterwards Christmas.

Q Along after Christmas you saw her in the Cherokee Nation?

A Yes, sir, on the river.

W. W. Hastings: You gave your age a while ago about 46?

A I don't know; I can't count good, never could.

Q You were but nine or ten years old when you came here?

A I was older than that; I don't know how old.

Q You were just a girl then? A I was a young woman.

Q You never kept any count of years or time that time?

A It was in the fall of '66.

Q What year is this? A I don't know.

Q The fact is you don't know a single year in the Calendar?

A No, sir, I don't know a letter.

Q You heard the people say it was '66? A I knew it was; I always heard talked of it when we come back home.

Q And you heard of it before you came here? A My uncle made a crop and came and brought us down here.

Q Which Uncle? A Gilbert.

Q He had made a crop here in the summer of '66? A No, sir, before

Q What year did he make a crop, a year before he went up after you? A Yes, sir.

Q How long before she come back here did you see her? A That winter.

Q Before or after Christmas? A Somewhere along Christmas.

Q You don't remember exactly? A No, sir, I don't.

Q You weren't brought up to remember dates? A No, sir.

L. B. Bell: You say you lived along Spring Creek? A Yes, sir, that is where we went when I first come here with Miss Williams. He started from Spring Creek, he brought her along the river. Tobe brought her there.

Q Where was you about Christmas in '66? A I don't know where I was; I was somewhere close in the Nation; I know I seen Margaret.

Q Where did you see her? A Up here on the river.

Q Whereabouts on the river? A At Uncle Sander's place, close to Lynch's place.

Q Sandy was living there in 1866, was he, A Yes, sir

Q He was living there at Island Ford in 1866, was he? A No.

Q Where was he living? A I don't know where he was living; they stopped up there on the river.

Q You saw you saw her at Uncle gandy's? A I said I saw her up on the river there.

W. W. Hastings: At what place did you see her, out in the prairie? A We were in the prairie where they were living.

Q You don't know what place? A No, sir, it was in the prairie on Lynch's prairie.

Q Was it right on the bank of the river or on the prairie?

A His place was close on the bank of the river.

Q And you don't know whether it was at old Uncle Sandy's house or not? A Yes, it was Uncle gandy's.

Q I want to know whether he was living there at Island Ford in 1866? A He was living on the other side of the river there.

Com'r Needles: Neatie Martin applies for the enrollment of herself as a Cherokee Freedman. Her name is not found upon the authenticated roll of 1880, nor the census roll of 1896; her name is found upon the Kerns Clifton roll. By reason of the fact that her name is not found upon the authenticated roll of 1880, the name of Neatie Martin will be placed upon a doubtful card, awaiting further consideration; her enrollment being protested by the representatives of the Cherokee Nation.

The undersigned being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a full, true and correct transcript of his stenographic notes thereof.

(Signed) E. E. Rothenberger.

MAILED
MAY 11 1901
COMMISSION TO THE FIVE CIVILIZED TRIBES
DEPARTMENT OF THE INTERIOR

Subscribed and sworn to before me this 9th day of May, 1901.
(Signed) C. E. Breckinridge,
Commissioner.

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J. O. Rosson, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he made the foregoing copy and that same is a true and complete copy of the original transcript of the testimony and proceedings in said case.

J. O. Rosson

Subscribed and sworn to before me this 23d of August, 1901.

C. E. Breckinridge

Commissioner.

1861

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BY PATTER CO HOLY

File with case of Rachel Vann, C.V.-D.#112.
Cpl. C.V.-D.#113.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
VINITA, N.M., OCTOBER 4th, 1902.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of
Heatie Martin as a Cherokee Freedman, introduced on behalf of
Cherokee Nation:

APPARANCES:

Mr. Mellette, of counsel for applicant;

Mr. J. S. Davenport, of counsel for Cherokee Nation;

F. D. MYRICK, being duly sworn by Commissioner Hedges,
testified as follows on part of Cherokee Nation:

MR. DAVENPORT: State your name? A F. D. Myrick.

Q Where do you live, Mr. Myrick? A I live near Mapleton, in
Lincoln County, Kansas.

Q What is your age? A 65.

Q How long have you lived near Mapleton, Kansas? A Since December,
'56.

Q Are you acquainted with Heatie Martin and her husband? A Can't
you locate them so I will see who I am talking.

Q Well, did you ever know anywhere near Mapleton in Kansas any
colored people by the name of William Martin and Heatie Martin,
husband and wife? A Yes, sir.

Q Where was that? A I became acquainted with some people of that
name in '62, and more acquainted in '63.

Q Well, did you ever have any business transactions with either
of them that makes you remember the family? A Oh, there was a
family there with me for quite a spell, probably a couple of years
right on the place there during the war.

Q Well, do you know what became of them after the war? A Why, they
remained quite a spell there in the country, I could not say how
long.

Q Near what place, Mr. Myrick? A Near Mapleton.

Q Do you know what became of William Martin? A To say I do, I
don't; I left there in 1874 and while I was away two or three years
I was away, Bill died, I don't know.

Q From the time you became acquainted with William Martin and Heatie
Martin you spoke of in the early '60s up to the time you went away
where did they live? A Right in the country there.

Q Were they living there when you went away in 1874? A Yes, sir.

Q When did you ever get back to that section of country? A In '77.

Q Was any of the family living there then? A I could not say
that there was.

Q Have you seen Heatie Martin since you came back from where you
went in 1874? A No, sir, not that I can recollect of.

Q Was there any other members of Heatie's family that you remember
of; did you ever get acquainted with any of them? A None of
Bill and Heatie's family.

Q Did Bill have any relatives there? A Yes, sir.

Q What were their names? A Father and mother was there; Harry
Martin and Golia Martin.

Q Have any brothers or sisters, or do you know? A Yes, sir.

Q What were their names? A Toke Martin and Lou Martin.

MR. MELLETTE: Well, do you know that the Heatie Martin who is
an applicant for citizenship, for enrollment here I should say?

A Don't know anything about the applicants only this person I
have located.

Q You don't know whether the person who applied here is the Heatie
Martin you have been talking about? A No, sir.

Q Did you know the husband better or wife better, those people
you have been talking about? A I knew them both at that time
as well as the other one.

Q Well, did they live together as man and wife? A Yes, sir.
 Q How long? A Well, all the time I know them.
 Q Do you know whether they separated? A No, sir, I don't know whether they ever separated or not.
 Q How far did they live from you? A Lived on at far part of the time.
 Q How long did they live on your farm? A Oh, couple years.
 Q About what time, Mr. Myrick, did they leave your farm? A I think about 1883 or '4. It might have been '05, just moved over on to another lot, I think he went to work there and by the name of Pouch, he was a blacksmith.
 Q Did you have any reason for paying particular attention to these people after they left your farm? A No, sir.
 Q Now, Mr. Myrick, is it or isn't at a time that Bill Martin remained in that country and died there and that Neatie Martin came to this country before Bill Martin died? A I don't know whether she did or not, she might have.

MR. DAVENPORT: As I understood you, Mr. Myrick, you went away somewhere and she and Bill was living up there and when you came back it was reported to you that Bill was dead? A Yes, sir.

MR. KELLER: You are positive that Neatie Martin, the one you are talking about, was living up there in '05? A Yes, sir, I am pretty certain she was.
 Q What do you mean by that? A Well, just because it has been a long time ago and I would not be positive about nothing that long unless there was some event or transaction that we had it on date.

D. J. HESBORN, being duly sworn by Commissioner Reardon, testified as follows: On part of Cherokee Nation:

MR. DAVENPORT: What is your name? A D. J. Hesborn.

Q Where do you live, Mr. Hesborn? A Mapleton, Kansas.
 Q How old are you? A 51.
 Q How long have you been living at or near Mapleton, Kansas? A 44 years.
 Q Were you living there at the close of the war? A Yes, sir.
 Q Were you acquainted with a colored man by the name of William Martin and his wife? A Yes, sir.
 Q Do you remember what his wife's name was? A I believe it was Neatie.
 Q Did you ever know any other members of Martin's family or his wife's family? A I know some boys.
 Q What were their names? A There was one boy there that died a while back by the name of John, that is all the one I remember his name now.
 Q When did you get acquainted with this Martin family? A Along in war times when they came up there with the balance of the colored people.
 Q Did they work around Mapleton, Kansas, there? A They follow blacksmithing, Will did.
 Q Did any other of the family work? A Louis Martin did.
 Q How long did Will Martin and his family live there near Mapleton, Kansas? A The last I remember of them was about '75 or '80.
 Q What became of Will Martin? A He died there.
 Q Do you know what became of his family after that? A No, sir, I don't.
 Q You haven't seen the applicant in this case since you have been down here have you? A I have not.
 Q Do you remember any of their names, that is, her family before she was married to Will Martin? A No, sir, I don't know who she was before she was married.
 Q Well, from the time you first got acquainted with them up until 1875 or '80 when Will died, had they resided continuously there, or where had they been if you know? A Why I never knew of them be-

ing away; of course I never paid any attention to that part of it; every once in a while I would see them around.

Q How far did you live from them? A I would be a mile and sometimes I would be four or five miles from them, and sometimes be close neighbors to them.

Q To be died up there a few years ago? A Yes, sir.

Q Is any of the family living up there at this time?

A Not of Will's family

Q Well, of Lewis's family? A No, sir, not as I know of.

MR. BELLETT: How far did you live from these people you have been talking about? A When I first got acquainted with them I lived about two miles and a half.

Q How old am I are you now? A I am 51.

Q Well, when did you first get acquainted with them? A In time of the war; they come down here and let the colored people come up there with them, the soldiers up there.

Q Who came down here? A My father and party went, everybody there, my father was in the army.

Q The colored people came back with them? A Yes, sir.

Q Was Neatie Martin living with Bill Martin when he died?

A I think so.

Q I would like to know whether you are as positive of that as you are of other things? A Yes, sir, she was there, I only lived about a mile and a half from them then.

Q You saw them there at that time? A Yes, sir.

Q How old a woman is Neatie Martin? A She must be pretty near my age I should think.

Q Is she older or younger than you or about your age?

A I could not tell you I expect she would be as old if not older; the first time I ever knew them she and Bill were living together and I wasn't nothing but a boy.

Q Now, you don't know that this Neatie Martin who applies for citizenship is not the Neatie Martin you knew up there? A I don't know.

Q Would you know her if you were to see her? A I don't know; I haven't seen her from '75 or '76.

Q Who did she go up to Kansas with? A She come up there with the Sixth Kansas, that is she come up there about that time, I suppose they all come together.

Q Did she have any brothers? A I could not say as to that.

Q Did you see anybody up there that claimed to be her brother?

A I don't know that I ever heard of that.

Q Well, where did she live now with reference to Mapleton, Kansas?

A Lived south when they first stayed in there on the river about a mile south of town.

Q When did Bill Martin die? A Well, now, I don't know just exactly what year it was; it was between '74 and '77, somewhere along there.

Q Are you certain of that? A Yes, sir.

Q How do you fix the time? A I got married about that time.

Q Did his dying have anything to do with you getting married?

A No, but I know where he was at the time.

Q Now, what became of Neatie Martin and after Bill Martin died?

A I can't tell.

Q Why can't you tell as much about her after he died? A Because she left there after he died.

Q How far was Bill living from you when he died? A About a mile.

Q You were not in the habit of going about then very much? A No, sir, he run a shop there and I would get work and such as that.

Q You say Neatie was living with him at the time he died? A Yes, sir.

Q You could not be mistaken about that? A I don't think I could.

Q Do you remember seeing her there? A Yes, sir.
Q You can give them the age of that woman? A No, sir, only she was a young like woman when I first seen her.
Q You were very young at that time? A Yes, I was 12 or 13 years old, something like that.
Q She was about your age? A I think she was a little older I should think so.

MR. DAVENPORT: You know they came in there from somewhere down in this country? A Yes, sir.

Q Your father was in the army and they came down here? A Yes, sir, we called them re fugers at that time.

Q After Bill died you don't know what became of her, she just simply moved away? A Yes, sir.

Q Bill Martin was a blacksmith? A Yes, sir.

MR. HOLLISTER, called as a witness, being sworn, testified:

Mr. Hollister: I object to this witness testifying.

Commissioner: Why?

Mr. Hollister: Because he has been convicted of larceny and served a term in the penitentiary.

Mr. Davenport: I submit if he was pardoned it don't make any difference with he was charged with.

Com'r Needles of Applicants: Were you pardoned? A Yes, sir; I was turned loose in about six or eight months.

MR. HOLLISTER: Where is the pardon you got from the Governor?

A I could not tell you; I have traveled around so much I have lost that and my discharge papers and all a time or two.

MR. DAVENPORT: Where do you live? A I live at Nowata.

COMMISSIONER: Where do you live? A I live at Nowata.

Q In the Indian Territory? A Yes, sir.

Q How long have you lived there? A About eight years.

Q Do you vote in the Indian Territory? A I voted at the City Courts.

Q Are you a Cherokee citizen? A No, sir.

Q Known as a State man? A Yes, sir.

Q Did you ever vote in Kansas after you were pardoned?

A Yes, sir.

COM'R NEEDLES: Go on with the examination.

MR. DAVENPORT: What place in Kansas do you live like?

A I lived at Fort Scott.

Q How long did you live about Mapleton? A I lived at Mapleton ever since before I went in the army and after I came out of the army I stayed there off and on till '83.

Q During the time you lived at Mapleton, Kansas, from 1865 until 1883 did you get acquainted with a man by the name of Will Martin and his family? A I was acquainted with Will Martin some.

Q Did you know his wife? A I have seen her a time or two, yes, sir.

Q Do you know what her name was? A I think her name was Nestie.

Q Did you know any of her family, father or mother, or brothers or sisters? A Well, I wasn't personally acquainted with them.

Q Did you know any of Will Martin's family?

A That is the one I am talking about.

Q Well, how long did they live about Mapleton Kansas?

A I could not tell you at all.

Q Were they living there when you came out of the army in 1865?

A Yes, sir.

Q When did you last see of them living in and near Mapleton, Kansas? A After I came out of the army in '65 I lived there; I came out in August and I left there in October following, and I was gone from there until sometime in '70 I guess.

Q Well, since you got back there in '70 did you see this Will Martin and his family? A Well, I don't recollect whether I do or not.

I recollect of seeing Mrs. Martin, came up there on a visit.

Q When was that? A That was short time after I came home.

Q Well, do you know where Will Martin was living, where was he at the time of his death, or do you know? A I wasn't there when he died.

Q Have you seen this applicant since you came down in this country?

A No, sir, I haven't; I wouldn't know her, I would see her.

MR. KELLETTE: You say that Neatie Martin came up there on a visit about the time you came back to '90. A Yes, I think she was up there, I didn't see her when I didn't know where she lived only some of them said Mrs. Martin was come up there on a visit.

Q She came from this country up there? A That is what she claimed.

Q Isn't it a fact that she and her husband lived apart and that she was brought down here after the war and her husband stayed back there in Kansas and died there? A Well, I didn't see her; I saw her husband I think, blacksmithing but I didn't see her; I never saw her but once or twice in my life.

Q Were you well acquainted with her husband? A Yes, I was well acquainted with him.

J. W. BAIRUM, being duly sworn by Commissioner Needles, testified as follows: On part of Cherokee Nation:

MR. DAVENPORT: What is your name? A J. W. Bairum.

Q Where do you live, Mr. Bairum? A Mapleton, Kansas.

Q How long have you lived at Mapleton, Kansas? A I have lived there continuously since November, 1864.

Q Since you have been living there did you get acquainted with a colored man by the name of William Martin and his wife? A I knew William Martin; I knew a William Martin in Mapleton, when I seen him-- I can't say that I was particularly acquainted with them.

Q What business did he follow? A He run a blacksmith shop.

Q Did you know his wife? A I knew her when I saw her.

Q Did you ever learn her name? A I have heard her called Neatie Martin.

Q Did you know any members of Martin's family, that is his brothers sisters, father or mother? A Yes.

Q What were their names? A Well I think there was a Tobe Martin, and Lewis Martin, that I think were brothers; I remember his father but don't remember his name and I think his mother's name was Gelia Martin.

Q How long did Will Martin and his family reside there at Mapleton, Kansas? A I can't tell.

Q Do you know where he was at the time of his death, or where he was living? A No, sir, I don't remember anything about his death.

Q About how long did you know them there at Mapleton, Kansas?

A Oh, several years.

Q You first saw him there in what year? A I can't tell exactly when; there was a whole family of the Martins; I suppose he was a boy when I first knew him; I don't know whether I knew any of them particularly, I knew the whole family and then later I knew him as a blacksmith there.

Q Do you remember how late you saw him there? A No, I can't give the date.

Q You think it was several years? A It must have been several years.

MR. KELLETTE: Well, you paid more attention to Bill than you did to the wife? A I don't know what became of either one of them.

Q Well, did you know the wife lived there with her husband all the time or not? A No.

Q You can't tell about that? A I remember that they lived there at Mapleton; I know them when I see them and that is about all.

Q Do you know Tobe Martin, a brother? A No, sir.

Q Arthur was it? A No, not that I know of.

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Q This Robt Martin you say that he is a brother? A No, sir, I think he was in the family.
Mr. Davenport: Do you know where Robt died? A No, sir, I don't.

Taking of testimony continued by Stenographer Chas. von Weiss.

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J. O. Reason, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J. O. Reason

Subscribed and sworn to before me this October 14th, 1901.



Commissioner.

(Continued from Stenographer J. O. Reason)

Vinita, I. T. October, 4th 1901.

JOHN CROSS being first duly sworn by Commissioner T. B. Needles testified as follows: (on the part of the Cherokee Nation)

(By Davenport)

Q What is your name? A John Cross.

Q Where do you live? A Mapleton, Kansas.

Q How old are you? A 63.

Q How long have you lived in or around Mapleton Kansas? A Since '62.

Q Were you acquainted with a colored family up there by the name of William Martin? A I was.

Q Do you know his wife's name? A Yes sir it was Neatie.

Q What business was William Martin engaged in? A Blacksmithing.

Q Was any of his brothers or sisters there? A His brother was there a while, Lewis Martin, working with him.

Q Did you know any of his wife's family on her side? A No sir.

Q About how long did they live there at Mapleton? A They didn't live right in town.

Q At or near Mapleton? A Then come there some time in '62 or '3, and I dont know—Martin—William Martin was running a blacksmith shop there in '66 in Mapleton and I left there in the spring of '67 and went to Colorado and when I come back he wasn't there, he had left.

Q When did you come back? A In the fall.

Q Did you mean that you went to Colorado in the spring of '67? A '77 I mean.

Q They had lived there then from the war until '87? A Yes sir I had seen them that long.

Q Had you seen him there in and around Mapleton Kansas from the time you saw him right after the war until you left? A —

(By Mr. Mellette)

" I submit that it is leading."

(By Hastings of witness)

Q When did you see him? A I can't tell, the last time I saw him was in the spring of '77 but as to when he left I cant say for I was not there when he left.

Q You first saw him in what year? A '62 or '3.

Q He was running a blacksmith shop there? A Yes sir, on the river there.

Q From the time you saw him in the '60's up to '77 did you see him after? A Yes sir, I would see him every once in a while.

Q Did he continue to run his blacksmith shop there? A When he left there I dont know if he was running a shop at the river or not.

(By Mellette)

Q You say you knew Bill Martin's wife? A Yes sir.

Q How often did you see her? A I dont know, I saw her frequently.

Q What because of Bill Martin? A I think he died up there about '77.

Q Well did his wife live with him all the time until he died? A I think she did.

Q Is it not a fact that she came here to the Cherokee Nation with her brother? A I dont know.

Q You dont know about that? A No sir.

Q And left her husband up in Kansas? A I dont know, she might have.

(By Davenport)

Q Did they keep house there at Mapleton? A They did where they lived there on the river.

(By Mellette)

Q Who kept house? A I dont know who did the housekeeping.

Q You mean that Bill Martin lived there? A Yes sir he lived there.

I don't know who made copies of this.

This testimony will be made a part of the record in the above captioned cases D. 338, D. 339, D. 340, D. 341, and D. 342.

On the 10th day, being first day of June, stated that he had been to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cases and that the foregoing is a full, true and correct statement of his stenographic notes thereof.

Chas. W. Smith

Subscribed and sworn to before me this 10th day of October, 1901.



AVAIL

EX-1511-1
HOLYOKE
MASS
U.S. DEPT. OF JUSTICE

U.S. DEPARTMENT OF JUSTICE
COMMISSIONER OF PRISONS
FILED
APR 15 1902

CHAS. E. CHATMAN

R.
O. F. D-413.

Department of the Interior.
Commission to the Five Civilized Tribes.
Washoe, I. T., April 3, 1908.

Supplemental testimony and proceedings in the matter of the application of KEATIE MARTIN for enrollment as a Cherokee Freedman.

Appearances:

Mellette A. Smith, attorneys for applicant.

W. W. Hastings, attorney for Cherokee Nation.

E. J. Clayton, being first duly sworn, and being examined, testified as follows:

Q Mr. Hastings? What is your name? A E. J. Clayton.

Q What is your age? A I was 58 years old the 22d day of February last.

Q What is your post office? A Walkertown, Bourbon County, Kansas, at this time.

Q When did you come to the State of Kansas?

A I got here on the 7th day of September, 1867.

Q Did you know a colored man by the name of William Martin? A Yes sir.

Q Did you know his wife? A Yes sir.

Q What was her name? A We called her Oneeda.

Q When did you become acquainted with the husband and wife?

A I suppose about the 18th, I think. I put a wagon tongue in in the shop on the 18th of September, as near as I can remember.

Q What was Bill Martin doing? A Blacksmith.

Q What is your occupation? A Farming. I did some work at the wagon business for that winter. That was my occupation for that winter, and no longer.

Q You did work at the wagon trade for that winter A Yes sir.

Q The winter following September, 1867? A Yes sir. The winter and spring of 1867 and 1868.

Q It was the winter after you got the Kansas? A Yes sir.

Q How long did you continue to know this family, Martin and his wife? A I knew them until 1876, I think, I forget just now. He died there about that time, right south of me right on Roach's place.

Q Have any family? A Yes sir, had several children.

Q Know any of them? A Yes sir, but I have forgotten their names.

Q Did Bill Martin have a brother that you know of? A Yes sir, he had Lou Martin, who was a blacksmith and worked there with us at that time.

Q How long did Lou continue to live there? A Until 1876. They worked together until he went away. I seen him there, but never knew anything about him afterwards.

Q He lived around there until 1876? A Yes sir.

Q How long after you come there before you got acquainted with him in the fall of 1867?

A Both worked together in the shop. Worked all together. He had two more brothers there.

Q What were their names?

A One was Tobe and the other was Payt, I think he was older than Bill or Lou either one. Payt was the next one.

Q How long did you know Tobe? A Until about 1876.

Q He was a brother to Louis and Bill Martin? A Yes sir.

Q And a brother to Peyton Martin? A Yes sir.

Q Did you know Peyton Martin? A Yes sir, knew him well.

Q How long did you continue to know Peyton Martin up there?

A I knew him from 1867. They all kind of hung together, these brothers did. I knew him from 1867 to, I think it was 1886, that some fellow tried to arrest him on some kind of a charge, stealing a horse or a cow. I forget which.

Q Did he run away?

A Yes, but they caught him and brought him back, but did not appear against him, then he went away to the Cherokee Nation, and I heard that he was dead. I never knew anything about him after he left there.

Q That was in 1867. A Yes sir.

Q Did you know him continuously from 1867 to 1868.

A Yes sir, in 1867 and 1868. He worked for me in the harvest in 1868.

Q Did you know Puy's wife? A Yes sir.

Q Did you know who he married?

A A girl by the name Hannah Shale.

Q Do you know a brother of Onedie Martin's, Jack Bean?

A Yes sir, I know him too.

Q When did you first know him?

A It could not have been later than the middle of September, 1867.

Q How long did you know Jack Bean? A He left there in 1868.

Q Was he living there when you came there in 1867?

A Yes sir, he had made a crop up there that summer.

Q He had a family? A Yes sir, he said he had, I never seen his family to know them.

Q Did you know a colored man by the name of Tobe Bean?

A Yes sir. He was a brother to this Martin's wife, he said.

Q How long did you continue to know Tobe Bean up there?

A I knew him until 1868. He helped me harvest in 1868, I think. I am pretty sure he did. My brother and me was together there.

Q You and Bill Martin, the husband of Onedie, worked together in the shop in the fall of 1867? A Yes sir.

Q Louis worked with you? A Yes sir. Both blacksmiths and good workmen, I thought.

Q Is there any peculiar circumstances that makes you remember Jack Bean, any trade that you made with him?

A He never paid me for a pistol that I brought out of the war.

I sold him a pistol that I brought home. He said he wanted to kill a nigger with it, and he never paid me for it either.

Mr. Mellette: What is your name? A E. J. Clayton.

Q Did you know Tobe Bean, who is an applicant for enrollment here, in the Cherokee Nation?

A I don't know whether he is an applicant for enrollment or not.

Q How was Tobe Bean, was he a lame man? A I think so, for he had a sore foot.

Q You will swear that it was the Tobe Bean you know?

A Yes sir, the brother of Onedie Martin.

Q When did you know him first?

A He was there around the shop all the winter of 1867, pretty much.

Q The winter of 1866 and 1867, you mean?

A No sir, I was not here, it was 1867.

Q The winter of 1866 and 1867? A It was the fall of 1867 and the spring of 1868.

Q Don't you know that Tobe Bean, that is an applicant here for enrollment is not a lame man? A I don't know whether he is or not.

Q When did Onedie Martin leave Kansas to come to the Cherokee Nation? A In 1877 or 1878, I don't know which.

Q She didn't come to the Cherokee Nation in 1866?

A I never heard tell of her in 1866. I was not there in 1866. I knew her in 1867.

Q You said 1877? A I said it was in 1877 when she came to the Cherokee Nation, 1877 or 1878.

Q Was she there in 1877? A She was up there in 1877 or '78. I forget which it was.

Q Where was Onedie Martin in 1867?

A Lived on Roach's place, eight south of Keaton there.

Q Did she come to the Cherokee Nation in the fall of 1866?

A I was not here in 1866.

Q When did you move to Kansas? A Moved in 1867.
 Q Was Neadie Martin in Kansas when you came there? A I think she was.
 Q Do you remember her? A Yes sir.
 Q How long ago has it been? A Since 1867?
 A Thirty-three or -forty years.
 Q When were you first asked to remember back that far as to these people?
 A Never asked to remember back to them people.
 Q When were you first talked to about being a witness in this case?
 A About two or three hours ago. You mean about this Neadie Martin case, two or three hours ago.
 Q When were you first asked anything about any of these colored people up there, when you first knew them? When were you first talked to about being a witness in any of these cases?
 A A week or two ago, I guess.
 Q You have not seen any of these people since they left Kansas, have you? A No sir.
 Q You don't know anything about them? A No sir.
 Q That is a long time to remember? A I guess it is.
 Q You keep in your mind clearly all the names of these different colored people, do you?
 A Yes, and a whole slew more of them that live there.
 Q Why do you remember their names so distinctly?
 A They worked for me. This Neadie Martin washed for my wife.
 Q You remember Tobe? He is a brother to Bill Martin?
 A I think he was the oldest one of them.
 Q What county was that in? A Bourbon County, Kansas.
 Q How far from the Cherokee Line? A About 75 miles.
 Q You are positive, as positive as you are of anything in this case that Tobe Bean was in Kansas in 1867, are you?
 A I know that he was. That is, I know that there was a Tobe Bean there.
 Q Was he a lame man? A He was lame there that winter at one time. I don't know whether it was a permanent lameness, or anything about it.
 Q What time did you see him? A He was around the shop in the winter.
 Q When, of 1867? A Yes sir.
 Q That would throw him into the year 1868 too?
 A Yes sir, I think he left there in 1868 or 1869. That is, in the winter, probably, of 1868.
 Q Tobe Bean left there in 1868-9 A Yes sir, I think he did.
 Q The Tobe Bean that you are talking of? A Yes sir.
 Q He did not then, leave Kansas in the fall of 1866 or the fall of 1867? A I don't know what he done in 1866. I was not there in 1866.
 Q He didn't leave Kansas in the fall of 1867? A Not to my knowledge.
 Q Never went away? A I never missed him if he did. He was around the shop there.
 Q The Tobe Bean you are talking about did not leave Kansas until about 1869? A I think it must have been.

Mr. Hastings: Do you know whether these people came down to the Cherokee Nation afterwards, these people that you are talking about?
 A They said they was coming here.

This testimony will be filed with and made a part of the record in the following Cherokee Freedmen cases:

D-388, D-389, D-390, D-412, D-805, D-288, D-656, D-657, D-658, D-911, D-940, D-304, D-313, and in the case at bar.

I, Wm. Hutchinson, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes, I correctly recorded the proceedings in this case, and that the foregoing is a true and complete transcript of the stenographic notes thereof.

S.

Wm. Hutchinson.

The undersigned, being duly sworn, deposes that as stenographer
to the Commission to the Five Civilized Tribes he correctly made
the above copy and that the same is a true and complete copy of
the original.

Subscribed and sworn to before me this 14th day of April, 1903.

[Signature]
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
Sallie Johnson et al., as Cherokee freedmen, consolidating the
applications of:

Sallie Johnson
Nattie Martin
Joseph Bean,
Houston Martin
Tobe Martin
Lewis Martin
Rachel Vann
Nattie Lynch

Cherokee Freedman D-220
Cherokee Freedman D-225
Cherokee Freedman D-225
Cherokee Freedman D-226
Cherokee Freedman D-226,
Cherokee Freedman D-226,
Cherokee Freedman D-226,
Cherokee Freedman D-226,
Cherokee Freedman D-226.

DECISION.

The record herein shows that applications for enrollment as Cherokee freedmen were made to this Commission by Evans Johnson for his wife Sallie Johnson, among others, but neither parties to this application being differently classified are not embraced in this decision; by Nattie Martin for herself; by Joseph Bean for himself; by Houston Martin for himself; by Tobe Martin for himself; by Lewis Martin for himself; by Rachel Vann for herself, and by Nattie Lynch for herself. The testimony taken at various times and places in the matter of the application for the enrollment of Evans Johnson et al., as Cherokee freedmen, is made a part of the record in this case.

The evidence shows that the applicants, Nattie Martin, Joseph Bean and Rachel Vann, were the slaves of Cherokee citizens at the commencement of the rebellion; that during said rebellion they left the Cherokee Nation; that the said Joseph Bean returned thereto and established a residence therein within the time specified in the decree of the Court of claims rendered on February 2, 1896, in the case of Moses Whitmire, trustee, etc. vs. the Cherokee Nation, et al., for the return of Cherokee freedmen to said Nation; that the applicants Nattie Martin and Rachel Vann, did not return to and established a residence in said Nation within the time specified in the said decree of the Court of claims. The applicants, Sallie Johnson, Houston Martin and Tobe Martin, have been born since 1866, and are the children of said Nattie Martin, and have only such rights as are possessed by her. The applicant, Lewis Martin is the son of Nattie Martin and returned to the Cherokee Nation with his said mother. The said Nattie Lynch is the daughter of Sam Vann, who is identified on the 1880 authenticated Cherokee roll as a Cherokee freedman. It is presumed from this enrollment that the said Sam Vann complied with all the provisions of the Cherokee treaty of 1866, and

the applicant, Beatie Lynch, having been born since 1866, is possessed of the same rights to enrollment as her father.

The evidence further shows that the said Joseph Beem had resided continuously in the Cherokee Nation since his return therein, and the applicant, Beatie Lynch, has resided continuously therein since her birth.

It does not appear that any of the applicants herein are identified on the 1860 authenticated Cherokee roll.

It is, therefore, the opinion of this Commission that Joseph Beem and Beatie Lynch should be enrolled as Cherokee freedmen, and that the applications for the enrollment of Beatie Johnson, Beatie Martin, Newton Martin, Tom Martin, Louis Martin and Rachel Yarn as Cherokee freedmen should be denied, under the provisions of section twenty-one of the act of Congress approved June 26, 1906, (34 Stat., 496), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(Signed) James H. Hix
Commissioner

(Signed) T. B. Fiedler
Commissioner

(Signed) C. E. Brookbridge
Commissioner

Dated at Muskogee, Indian Territory
this JUL 23 1904

AFFIDAVIT.

UNITED STATES OF AMERICA, }
INDIAN TERRITORY, } ss
NORTHERN DISTRICT.

In the matter of the application of Rachel
Vann for enrollment as a Cherokee Freedman.

No. F. D. 412
Henry Pack, of lawful age, being duly sworn on
oath states that on the 13th day of September, A. D., 1901, he registered
to Rachel Vann whose postoffice is Chaffee

Indian Territory, a notice, a true copy of which is attached to this affidavit, and he hereto
attaches the receipt of the Postmaster at Fort Gibson Indian Territory;
and that on the 26th day of September, 1901, he received the return
card which is hereto attached, signed by the said Rachel Vann, showing
that he had received said notice.

Henry Pack
Subscribed and sworn to before me on this the 26th day of Sept, A. D. 1901.

J. C. Stas
Notary Public.

5842

**INDIAN TERRITORY,
CHEROKEE NATION.**

I hereby certify that I served the with-
in notice on.....

by delivering a true copy thereof on the
.....day of..... A. D. 1901.

Given under my hand this.....
day..... A. D. 1901.

.....
Marshal for Cherokee Nation.

I, the undersigned attorney for the
within named applicant hereby accept
service of the within notice on this the
.....day of....., 1901.

.....
Attorney for applicant.

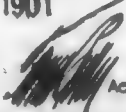
UNITED STATES OF AMERICA, }
INDIAN TERRITORY, } s. s.
NORTHERN DISTRICT. }

I do solemnly swear that I delivered a
true copy of the within notice to.....

.....
on the.....day of..... A.D. 1901

.....
Subscribed and sworn to before me
this.....day of..... A.D. 1901.

**DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
SEP 26 1901**


ACTING CHAIRMAN

NOTICE!

IN THE MATTER OF The application of Rachel Vann
for enrollment as a Cherokee Freedman:

Case No. F. D. 412

To Rachel Vann Chaffee I. T.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman, at the office of the United States Commission to the Five Civilized Tribes in the town of Vinita, Indian Territory, Indian Territory, on the following dates, to-wit: Oct. 11th at 8 o'clock A. M. A. D. 1901, during the usual business hours of said Commission on the respective days above named, for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this 13 day of Sept, 1901.

W. B. Bell
H. H. H.
Attorneys for the Cherokee Nation.

F. 12 412

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

Mrs. Rachel Vann,
Chaffee, I.T.
Cherokee W-D-412
Register.

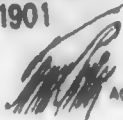
TAMS BIXBY,
T. B. NEEDLES,
C. R. BRECKINRIDGE,
Commissioners.

VB.

J. G. 412

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
MAY 23 1901



ACTING CHAIRMAN.

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date

May 23, 1901

Post Office

Chapin St.

District

Delaware

1. Name

Age

Owner's name

Citizenship

Year

Page

No.

District

Parents:

Father

Huntford

Citizenship

Mother

Citizenship

11. Name of wife

Rachel Tamm

Age

40

Owner's name

Citizenship

Year

Walker age 186

No.

3418

District

Parents:

Father

Wm Martin - dead

Citizenship

Mother

Maty - living

Citizenship

Names of Children:

	Year	Page	No.	Dist.
3.				
4.				
5.				
6.				
7.				
8.				
9.				
10.				
11.				
12.				

Application made by

no. 1

Stenographer

J. D. Roscoe

XERO 213

COPY.

Cherokee Freedmen

D-412.

Muskogee, Indian Territory, August 17, 1904.

Rachel Vann,

Chaffee, Indian Territory.

Dear Madam:

There is herewith enclosed a copy of the record of proceedings had in the matter of your application for enrollment as a Cherokee freedman, together with a copy of the Commission's decision, dated July 23, 1904, rejecting, among others, your said application.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the decision is informed of the same.

Respectfully,

T. D. Nesdise

Commissioner in Charge.

Encl. S-79.

Register.

COPY

Cherokee Freedmen

D-209, et al.

Wickesee, Indian Territory, August 17, 1904.

The Honorable,

The Secretary of the Interior,

Sir:

There is herewith transmitted the record of proceedings had in the consolidated case of Sallie Johnson, et al., including the Commission's decision, dated July 23, 1904, rejecting the applications for the enrollment of Sallie Johnson and Neatie, Houston, Tebe and Lewis Martin, and Rahuel Vant, and granting the applications for the enrollment of Joseph Bean and Neatie Lynch as Cherokee freedmen.

You are advised that the Cherokee Nation protests against the action of the Commission in this case, in so far as it grants the enrollment of Joseph Bean and Neatie Lynch, a copy of which protest is enclosed.

Respectfully,

Encl. 3-66.

Commissioner in Charge.

Through the

Commissioner of Indian Affairs.

Cherokee Nation

N-207, et al.

Muskogee, Indian Territory, July 25, 1904.

W. V. Hastings,

Attorney for the Cherokee Nation,

Vinita, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes dated July 23, 1904, in the consolidated case of Sallie Johnson, et al., granting the applications for the enrollment of Joseph Bean and Martin Lynch as Cherokee freedmen, and rejecting the other applicants mentioned therein.

You will be allowed fifteen days from date hereof within which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which protest you will be required to furnish the principal applicant. If you fail to file protest within the time allowed, this decision will be considered final.

Respectfully,

Encl. 8-60.

Commissioner in Charge.

(COPY)

DEPARTMENT OF THE INTERIOR,

Refer in reply OFFICE OF INDIAN AFFAIRS,
to the following:

WASHINGTON, September 23, 1904.

Land.

57362-1904.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to acknowledge herewith, a report from the Commission to the Five Civilized Tribes, dated August 17, 1904 transmitting the record of the consolidated applications for enrollment as Cherokee freedmen by Sallie Johnson for herself; by Neatie Martin for herself; by Joseph Bean for himself; by Houston Martin for himself; by Tobe Martin for himself; by Lewis Martin for himself; by Rachel Vann for herself; and by Neatie Lynch for herself.

July 23, 1904, the Commission decided favorably to Joseph Bean and Neatie Lynch and adversely to the other applicants.

The record shows that the applicants, Neatie Martin, Joseph Bean and Rachel Vann were the slaves of Cherokees citizens at the beginning of the war of the rebellion; that during the war they left the Cherokee Nation; that Joseph Bean returned prior to February 11, 1867, and established a residence in the Nation; that the applicants, Neatie Martin and Rachel Vann did not return on or before February 11, 1867.

The applicants, Sallie Johnson, Houston Martin and Tobe Martin were born since 1866 and are the children of, and claim their right to enrollment through their mother, the said Heatie Martin, and have only such rights as are possessed by her. The said Heatie Lynch, is the daughter of Sam Vann, who is identified on the 1880 authenticated Cherokee roll, as a Cherokee freedman, and the said Heatie Lynch, having been born since 1866, is possessed of the same rights as her father.

The evidence shows that Joseph Bean has resided continuously in the Cherokee Nation since his return thereto, and that Heatie Lynch has resided there continuously since her birth.

None of the applicants is identified on the 1880 authenticated Cherokee roll. All of the applicants, except Rachel Vann and Heatie Lynch are identified on the Kern-Clifton roll and Tobe Martin, Lewis Martin and Heatie Lynch are identified on the Wallace roll.

In view of the record and approval of the Commission's decision favorable to Joseph Bean and Heatie Lynch and adversely to all the others is recommended.

Very respectfully,

A. G. Tenner

Acting Commissioner.

M.M.M.
V.

(C O P Y)

W. C. F.
Y. P.
FMR

DEPARTMENT OF THE INTERIOR,

D. C. 45296-1904

WASHINGTON. November 19, 1904.

I. T. D. 8596-1904.

SRS.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

On August 17, 1904, you transmitted the record in the consolidated Cherokee freedmen case of Sallie Johnson, et al, including your decision of July 23, 1904, which was favorable to the applicants Joseph Bean and Neatie Lynch, and adverse to the other applicants.

The attorney for the Cherokee Nation protests against your decision favorable to Joseph Bean and Neatie Lynch.

Reporting September 28, 1904, the Acting Commissioner of Indian Affairs recommends that your decision be approved.

A copy of his letter is inclosed.

The Department concurs in said recommendation and your decision is hereby affirmed.

Respectfully,

(Signed) Theo Ryan

Acting Secretary.

1 inclosure.

COPY.

Cherokee Freedman
D-412.

Muskogee, Indian Territory, December 7, 1904.

Rachel Vann,

Chaffee, Indian Territory.

Dear Madam:

You are hereby advised that the Commission's decision dated July 23, 1904, rejecting, among others, the application for your enrollment as a Cherokee freedman, was affirmed by the Secretary of the Interior on November 19, 1904.

Respectfully,

(SIGNED) *Tama Bixby*
Chairman.

COPY.

Cherokee Freedmen
No. 100, et al.

Muskogee, Indian Territory, December 9, 1904.

Bell, Hastings & Newport,

Attorneys for the Cherokee Nation,

Vinita, Indian Territory.

Gentlemen:

You are hereby advised that the Commission's decision dated July 23, 1904, rejecting the applications for the enrollment of Nellie Johnson, Houston, Tobe, Lewis and Hattie Martin and Rachel Vann, and granting the applications for the enrollment of Joseph Hearn and Hattie Lynch as Cherokee freedmen, was affirmed by the Secretary of the Interior on November 10, 1904.

Respectfully,

(SIGNED) *Tama Bixby.*

Chairman.

Cherokee freedman

N-632

Huskogee, Indian Territory, May 28, 1906.

Rachel Vann,

Chaffee, Indian Territory.

Dear Madam:

You are hereby advised that the motion filed by your attorneys September 7, 1905, for a review in your Cherokee freedman enrollment case, was dismissed by the Department May 2, 1906.

Respectfully,

Commissioner

ENC

Wadawaga, Indian Territory, May 20, 1906.

Wm A Belger,

Attorneys for Elias A. Arnold, et al.,
Winita, Indian Territory.

Gentlemen:

You are advised that this office is in receipt of Departmental letter of May 2, 1906, a copy of which is enclosed herewith, denying motions filed by you September 7, 1905 for review in the Cherokee progeny enrollment cases of Elias A. Arnold and others named in said letter.

Respectfully,

Commissioner.

WAT

Muskogee, Indian Territory, May 29, 1906.

Ball, Hastings & Davenport,

Attorneys for Cherokee Nation,

Vinita, Indian Territory.

Dear Sirs:-

You are advised that this Office is in receipt of Departmental letter of May 2, 1906, a copy of which is enclosed herewith, denying motions by Hane & Bulger, filed September 7, 1905, for review in the Cherokee Freedmen enrollment cases of Eliza A. Arnold and others named in said letter.

Respectfully,

V
Commissioner.

LMG
Incl. C-2

Chen. Fr. R-633

Trans from F.D 428

Chen. Fr. R-633

A

F.S. 428

COMMISSION TO THE FIVE C

FILED

MAY 31 1901

ACTING CHAIRMAN

Department of the Interior.
Commission to the Five Civilized Tribes.
Chelsea, T. T., May 29, 1901.

In the matter of the application of John Webber for the enrollment of himself and brother, Joe Webber, as Cherokee Freedmen; he being sworn and examined by Commissioner G.R. Breckinridge, testified as follows:

- Q Give me your full name. A John Webber.
Q How old are you? A I don't exactly know.
Q As near as you can come? A About 22.
Q What is your postoffice? A Gadsden.
Q In what district do you live? A Coowasegoose.
Q Do you want to be enrolled as a Cherokee Freedman? A Yes sir.
Q Do you want to apply for the enrollment of anybody besides yourself? A Yes sir.
Q Who is it you want to have enrolled? A I have a brother in prison, and a niece at home.
Q You have no family of your own? A No sir.
Q How old is your niece? A She is 21.
Q Well, she ought to apply for herself? A There is no one to stay at home but her, and I had to leave her, I couldn't bring her.
Q How far does she live from here? A It is about thirty miles.
Q Just you and she living there together? A No sir, I have a brother here.
Q How far does she live from Nowata? A About fifty miles, I guess.
Q You and this brother and this niece live together? A Yes sir.
Q And that is all in the family living there? A There is two brothers here, and one brother in jail, and my niece, makes four of us.
Q I am talking about living together? A Just three of us.
Q Couldn't she leave the house and be enrolled? A Well sir, I guess she could.
Q You have her come in and make her own application? A Alright.
Q You can apply for this brother that is in prison? A Yes sir.
Q How long have you lived in the Cherokee Nation? A All my life.
Q Give me the name of your father. A His name is John.
Q Is he dead? A Yes sir.
Q How long has your father been dead? A I don't know sir; he died when I was small; I was a little fellow; I don't remember of seeing him.
Q Give me the name of your mother. A Lou Webber.
Q Is she dead? A Yes sir.
Q How long has she been dead? A This last February 13th.
Q Was your mother a Cherokee Freedman? A Yes sir.
Q Was your father a Cherokee Freedman? A Yes sir.
Q Give me the name of your brother? A Joe Webber.
Q How old is your brother? A 21 past. I guess he is near 22.
Q He is your full brother, is he? A Yes sir.
Q When did he go to prison? A Late last fall.
Q Where was he sentenced? A At Fort Smith.
Q Where is he at this time? A In Fort Smith prison.
Q In jail? A Yes sir.
Q How long a term has he got to serve there? A Thirteen months.
Q What district were you living in 1890? A I don't know sir, but I believe in Coowasegoose.
Q Have you always lived in this district since you were born? A No sir.
Q Where were you living? A In Gibson, in Vinita, and up in Cooseneck.

The 1880 authenticated roll examined and the names of the applicants and their mother are not found thereon.

The 1896 census roll examined and the names of the applicants not found thereon.

Q Did you draw Cherokee Strip money? A Yes sir.

The Kerns Clifton Roll examined and the names of the applicants are found thereon as follows:

Page 187, No. 4127, John Webber, Coowesscoowee District. No age given.

Page 187, No. 4128, Joe Webber, Coowesscoowee District. Given as 18 years of age.

The Wallace Roll examined and the applicants' names not found thereon.

Q Now, it seems that you and your brother are found only on the Kerns Clifton Roll, and your mother seems to be found only on the Kerns Clifton Roll? A She drew on the Wallace Roll.

Q We find that other family? A It must be a mistake some way or other.

Q The more important matter is to explain why none of you are on the roll of 1880? A I don't know sir. My mother went to

the enrollment; my mother always enrolled us; we didn't have to go.

Q Do you know why your mother is not on the roll of 1880? A I don't know; she went to the enrollment.

Q What was your mother's name after your father died? A She always went by the name of Lou Webber.

Q She didn't take any other name after your father died? A No sir she didn't.

Q She never took any other name but Webber? A No sir.

Q What was her name before she married your brother? A I don't know sir.

Q You have always known her as Webber? A She always went by the name of Webber.

Q Do you know who it was that your mother belonged to in the Cherokee Nation? A I heard her say she belonged to a man by the name of Bob Webber.

Q Your father, to whom did he belong? A I don't know who he belonged to; he belonged to some one here in the territory, but I heard my mother say often she belonged to the Webbers. I have an aunt here who knows who she belonged to.

Q What is her name? A Beekie Webber. I have two here that knows.

Q How long has your brother lived in the Cherokee Nation?

A Ever since I have; all his life.

The applicant ~~####~~ applies for the enrollment of himself and a brother who is in prison. The applicant states that he has lived in the Cherokee Nation all his life. He is 38 years of age, but he is identified only upon the Kerns Clifton Roll, and his mother who is said to have died last February appears only on that roll. The applicant states that he has additional testimony that he wishes to introduce. At present he will be listed for enrollment as a Cherokee Freedman on a doubtful card to await further testimony respecting his rights. His brother is said to be in prison at Fort Smith undergoing a sentence of some thirteen months duration, and is said to have been sentenced at Fort Smith, Arkansas, last autumn. This brother, Joe Webber, is also identified on the Kerns Clifton Roll and on no other. He is a full brother of the applicant's. He will now be listed for enrollment as a Cherokee Freedman on a doubtful card to await further evidence as in the case of the applicant himself. This brother, Joe Webber, is said to have lived in the Cherokee Nation all his life.

The undersigned, being duly sworn, depose and say that the above is a full, true and correct copy of the original as the same appears from the records of the said office, and that the same is a true and correct copy of the original as the same appears from the records of the said office, and that the same is a true and correct copy of the original as the same appears from the records of the said office.

Subscribed and sworn to before me this 10th day of May, 1901.

W. H. McArthur
Commissioner.

RECORDED
INDEXED
MAY 11 1901
U.S. DEPT. OF AGRICULTURE
BUREAU OF LAND MANAGEMENT

Cherokee Freedman D-428

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I.T., NOVEMBER 21, 1904.

SUPPLEMENTAL PROCEEDINGS in the matter of the application for the enrollment of John Webber, et al., as Cherokee Freedmen.

On October 14, 1904, the applicant was notified by registered mail, and on October 20, 1904, the attorneys for the Cherokee Nation were notified by letter, that the application for the enrollment of John Webber and his brother, Joe Webber, as Cherokee Freedmen, would be taken up by the Commission to the Five Civilized Tribes, at its offices in Muskogee, Indian Territory, on the 21st day of November, 1904, at which time an opportunity would be given both the applicant and the attorneys for the Cherokee Nation to introduce any testimony they might desire, affecting said application, at which time said case would be taken up for final consideration. Receipt of the Commission's letter has been acknowledged by the attorney for the applicant.

Now on this 21st day of November, 1904, this cause coming on to be heard pursuant to said notice, said applicant being called failed to appear, either in person or by attorneys, and the Cherokee Nation appearing by its attorneys, Bell, Hastings & Davenport, submits this case upon the evidence now of record.

-5-5-5-5-5-5-5-5-5-5-

H. M. Vase, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings had in the above entitled cause on the 21st day of November, 1904, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings on said date.

H. M. Vase
Subscribed and sworn to before me this 15th day of December 1904.

Charles S. Sawyer
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
John Webber and Joe Webber as Cherokee Freedmen.

DECISION.

The record in this case shows that on May 29, 1901, John Webber appeared before the Commission at Chelsoa, Indian Territory, and made application for the enrollment of himself and his brother, Joe Webber, as Cherokee Freedmen.

The evidence shows that John Webber is twenty-eight years of age, and his brother, Joe Webber, is twenty-two years of age and is confined in jail at Fort Smith, Arkansas. The applicants claim to have lived in the Cherokee Nation all their lives. There is no evidence that they are the descendants of a slave of a Cherokee citizen, or of a free colored person residing in the Cherokee Nation at the beginning of the rebellion. It further appears that neither of the applicants are identified on the 1860 authenticated Cherokee roll.

It is, therefore, the opinion of this Commission that the application for the enrollment of John Webber and Joe Webber as Cherokee Freedmen should be denied under the provisions of section twenty-one of the Act of Congress approved June 20, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Commissioner.

Commissioner.

Commissioner.

Dated at Muskogee, Indian Territory,
this _____

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

2743

In the matter of the application of John Webber for the enrollment of himself and his brother, Joe Webber, as Cherokee Freedmen.

DECISION.

The record in this case shows that on May 29, 1901 John Webber appeared before the Commission, at Chelsea, Indian Territory, and made application for his enrollment and for the enrollment of his brother, Joe Webber, as Cherokee Freedmen.



The record herein further shows that on July 1, 1903 the Commission rendered a decision in the matter of this application in which the applicants were denied the right to enrollment as Cherokee Freedmen. The decision, with the record, was forwarded to the Department and, as is shown by Departmental Letter of April 12, 1904 made a part of the record herein, was remanded to the Commission in order that further testimony concerning the rights of the applicants might be taken. Accordingly, on due notice to the applicants and their attorney, further proceedings were had in this case at Muskogee, Indian Territory on November 21, 1904.

The evidence herein shows that at the time application was made for their enrollment John Webber and Joe Webber were about 22 and 21 years of age, respectively; that they had lived from childhood in the Cherokee Nation, and claimed the right to enrollment through their parents, both of whom are alleged to have been Cherokee Freedmen.

Neither the names of the applicants herein nor of their parents can be identified upon the 1880 authenticated roll of the Cherokee Nation, and, although ample opportunity has been given, evidence has not been introduced to show that either of the applicants' parents was a slave of a Cherokee citizen at the beginning of the war of the Rebellion, or a free colored person residing in the Cherokee Nation.

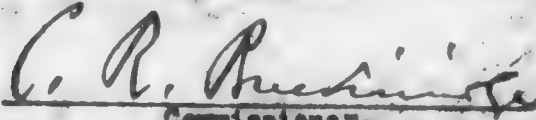
It is, therefore, the opinion of this Commission that, following the ruling of the Department in the case of Eliza Bryant et al. (I.T.D. 544-1904), and of Moses Ross (I.T.D. 6056-1904), the application for the enrollment of John Webber and Joe Webber, as Cherokee Freedmen, should be denied, in accordance with the provisions of Section twenty-one of the Act of Congress approved June 28, 1898 (30 Stat., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.


Chairman.

Commissioner.

Muskogee, Indian Territory,

MAY 1 1905


Commissioner.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE EAST CIVILIZED TRIBES.

PAID

19 1890

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

Mr. John Webber,
Catoosa, I.T.

Cherokee F-11-428

Register.

TAMS BIXBY,
T. B. NEEDLES,
C. R. BRECKINRIDGE,
Commissioners.

VB.

F. L. 428 -

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
MAY 29 1901

[Handwritten signature]

RECEIVED

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date

May 29, 1901

Post Office

Gattonia 29

District

000

1. Name

John Webber

Age 28

Owner's name

Citizenship

Year

1867

Page

No.

4127

District

000

Parents:

Father

John Webber - dead

Citizenship

Cher. Free

Mother

Lou " - dead

Citizenship

" "

Name of wife

Age

Owner's name

Citizenship

Year

Page

No.

District

Parents:

Father

Robert

Citizenship

Mother

Citizenship

Names of children

2. Joe Webber

Year

Page

No.

Dist.

000

22

Year

Page

No.

Dist.

Year

Page

No.

Dist.

Year

Page

No.

Dist.

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Dist.

Year

Page

No.

Dist.

Application made by

Mo. 1

Stenographer

E. C. Rathenbarger.

COMMISSIONERS
TAMM DIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
W. E. STANLEY

ALLISON L. AYLESWORTH,
SECRETARY

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee F. D-428

Muskogee, Indian Territory, July 10, 1903.

John Webber,

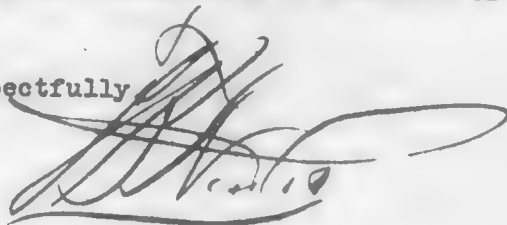
Catoosa, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated July 1, 1903, rejecting your application for the enrollment of yourself and your brother, Joe Webber, as Cherokee freedmen. There has heretofore been furnished your agent, Louis T. Brown, Vinita, Indian Territory, a copy of the record of proceedings and there has this day been forwarded to him a copy of the Commission's decision.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully



Commissioner in Charge.

Enc. D-39

Register.

COPY

Cherokee F. D-428

Muskogee, Indian Territory, July 18, 1903.

Louis T. Brown,

Agent for John Webber et al.,

Vinita, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated July 1, 1903, rejecting the application of John Webber for the enrollment of himself and his brother, Joe Webber, as Cherokee freedmen. You have heretofore been furnished with a copy of the record of proceedings.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

I. B. Needles.

Commissioner in Charge.

Enc. D-40

Register.

COPY.

Cherokee 7.D-438

Muskogee, Indian Territory, July 10, 1903.

W. W. Hastings,

Attorney for the Cherokee Nation,

Tablequah, Indian Territory.

Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated July 1, 1903, rejecting the application of John Webber for the enrollment of himself and his brother, Joe Webber, as Cherokee freedmen.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

T. B. Needles.

Commissioner in Charge.

Enc. D-41

COPY

Cherokee F.B-428

Waskogee, Indian Territory, July 30, 1903.

The Honorable

the Secretary of the Interior

Sir:

There is herewith transmitted the report of proceedings had in the matter of the application of John Wether for the enrollment of himself and his brother, Joe Wether, as Cherokee Freedmen, including the Commission's decision dated July 2, 1903, rejecting said application.

Respectfully,

T. B. Needles

Commissioner in Charge.

Through the
Commissioner of Indian Affairs

Enc. D-42

Copy
Refer in reply to the following:

Land.43340/1903.

Department of the Interior,
Office of Indian Affairs.

Washington, Feb. 19, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith a report from the Commission to the Five Civilized Tribes, dated July 10, 1903, forwarding the record relative to the application of John Webber for the enrollment of himself and his brother Joe Webber as Cherokee Freedmen.

The Commission found that the applicants were not entitled to enrollment and say that there is no evidence to show that they were the slaves of a Cherokee citizen or a free colored person, residing in the Cherokee Nation at the commencement of the war.

John Webber is twenty-eight years of age and his brother, Joe Webber, who was in jail at Fort Smith, Arkansas, at the time the testimony was taken May 29, 1901, is twenty-two years of age. It appears that the applicants have resided in the Cherokee Nation all of their lives. They claim that their parents were Cherokee Freedmen, and that their mother belonged to a man named Bob Webber.

From the record the applicants are not entitled to enrollment, but this office does not believe that the record is sufficient to warrant the Department in passing upon the case and it is therefore recommended that the case be returned to the Commission with in-

-2-
structions to take further testimony concerning the right of these
applicants to enrollment, providing the applicants have any addition-
al testimony they desire to introduce.

Very respectfully,

(signed)

A.C. Tenner,

Acting Commissioner.

GAT-H

D.C. 11875-1904

Department of the Interior,

Washington. April 13, 1904.

J.P.
FHE

I.T.D. 1488-1904.

L.R.S.

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

July 10, 1903, you transmitted the case involving the application of John Webber for the enrollment of himself and his brother, Joe Webber, as Cherokee freedmen. On July 1, 1903, you rendered your decision in the case, rejecting the application, stating that there was no evidence that the applicants were descendants of a slave of a Cherokee citizen, or of a free colored person residing in the Cherokee Nation at the beginning of the rebellion, and that neither of the applicants are identified on the 1880 authenticated Cherokee roll.

Reporting in the matter February 12, 1904, the Acting Commissioner of Indian Affairs states that from the record it appears that the applicants are not entitled to enrollment, but that he does not believe the record is sufficient to warrant the Department in passing upon the case, and he recommends that it be returned to you with instructions to take further testimony, providing the applicants have any additional testimony they desire to introduce.

At the time the testimony was taken, a note was made by the Commissioner examining the applicant, John Webber, stating that he and his brother Joe would be listed on a doubtful card, to await further testimony respecting their rights. If any further opportunity to furnish testimony was given, it is not shown by the record. Concurring in the views of the Indian Office, the case is remanded. The testimony and decision attached thereto are inclosed, together with a copy of the Acting Commissioner's letter.

Respectfully,

(signed) Thos. Ryan,
Acting Secretary.

2 inclosures.

Cherokee Freedmen
D 428

Muskogee, Indian Territory, May 7, 1904.

John Webber,

Catoosa, Indian Territory.

Dear Sir:

In the matter of your application for the enrollment of yourself and brother, Joe Webber, as Cherokee freedmen, you are advised that the Commission is in receipt of Departmental letter of April 13, remanding the Commission's decision of July 1, 1903, rejecting your said application. The Commissioner of Indian Affairs, in his letter, states, that from the record the applicants are not entitled to enrollment, but that, in his opinion, there is not sufficient testimony upon which to base a decision, and the Department therefore remands the case in order that further testimony may be taken.

You are accordingly hereby directed to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M. on Wednesday June 15, 1904, and introduce further testimony in support of your said application. A copy of the Department's letter has this day been forwarded your agent, Louis T. Brown, Vinita, Indian Territory.

Respectfully,

Commissioner in Charge.

Cherokee Freedmen
D 428

Muskogee, Indian Territory, May 7, 1904.

W. W. Hastings,
Attorney for the Cherokee Nation,
Tahlequah, Indian Territory.

Dear Sir:

In the matter of the application of John Webber, et al., for enrollment as Cherokee Freedmen, you are advised that the Commission is in receipt of Departmental letter of April 13, remanding the Commission's decision of July 1, 1903, rejecting these applicants. The Commissioner of Indian Affairs in his letter states, that from the record the applicants are not entitled to enrollment, but that, in his opinion, there is not sufficient record upon which to base a decision, and the Department remands the case for further testimony.

The principal applicant has, therefore, this day been directed to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M., on Wednesday June 15, 1904, and introduce further testimony in support of his application. The Cherokee Nation will be permitted to appear on that date and offer such testimony as it may desire.

For your information there is herewith inclosed a copy of the Department's letter above referred to.

Respectfully,

Encl. V-25

Commissioner in Charge.

Cherokee Freedmen
D 428

Muskogee, Indian Territory, May 7, 1904.

Louis T. Brown,
Agent for John Webber, et al.,
Vinita, Indian Territory.

Dear Sir:

In the matter of the application of John Webber, et al., for enrollment as Cherokee freedmen, you are advised that the Commission is in receipt of Departmental letter of April 13, remanding the Commission's decision of July 1, 1903, rejecting this application. The Commissioner of Indian Affairs states that from the record the applicants are not entitled to enrollment, but that, in his opinion, there is not sufficient record upon which to base a decision, and the Department accordingly remands this case for further testimony.

The principal applicant has, therefore, this day been directed to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M. on Wednesday June 15, 1904, and introduce further testimony in support of his application.

For your information there is herewith inclosed a copy of the Department's letter above referred to.

Respectfully,

Encl. V-24

Commissioner in Charge.

COMMISSIONERS
TAMM BIXBY,
THOMAS D. NEEDLES,
C. R. BRECKINRIDGE

WM. O. BEALL,
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

mo9

REFER IN REPLY TO THE FOLLOWING Cherokee Freedmen D-428.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

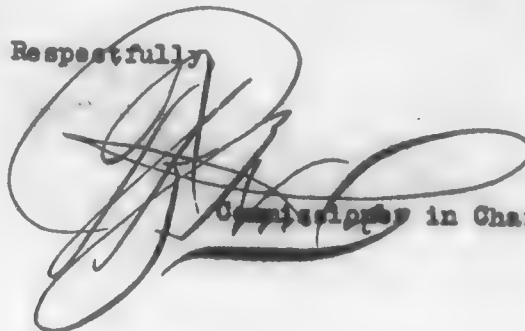
Muskogee, Indian Territory, June 30, 1904.

John Webber,
Catoosa, Indian Territory.

Dear Sir:

In the matter of your application for the enrollment of yourself and brother as Cherokee freedmen, the Commission's decision in which case rejecting your said application was remanded by the Department on April 13, 1904, in order that further testimony might be introduced. You are again advised that you will be permitted to appear before the Commission at its offices in Muskogee, at nine o'clock A. M. on Saturday, July 16, 1904, and introduce testimony in support of your application.

Respectfully



Commissioner in Charge.

Cherokee Freedmen

D-426.

Muskogee, Indian Territory, June 30, 1904.

W. W. Hastings,

Attorney for the Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

In the matter of the application of John Webber for the enrollment of himself and brother as Cherokee freedmen, the Commission's decision in which case rejecting the applicants was remanded by the Department on April 13, 1904, in order that further testimony might be introduced tending to show more conclusively whether or not the applicants are entitled to enrollment as Cherokee freedmen, and which case was set for hearing at Muskogee, June 15, 1904. You are advised that the applicants having failed to appear on that date, this case is again set for hearing at nine o'clock A. M. on Saturday July 16, 1904, and the applicant has this day been advised that he will be permitted to appear before the Commission on that day and introduce further testimony in support of his application. The Cherokee Nation will be permitted to appear on that day and introduce such testimony as it may desire.

Respectfully,

Commissioner in Charge.

Cherokee Freedmen

D-428.

Muskogee, Indian Territory, June 30, 1904.

Louis T. Brown,

Agent for John Webber, et al,

Vinita, Indian Territory.

Dear Sir:

In the matter of the application of John Webber et al for enrollment as Cherokee freedmen, the Commission's decision in which case rejecting the applicants was remanded by the Department on April 13, 1904, in order that further testimony might be taken tending to show more conclusively whether or not the applicants are entitled to enrollment as Cherokee freedmen, and which case was set for hearing at Muskogee on June 16, 1904. You are advised that the applicants, having failed to appear, this case is again set for hearing at nine o'clock A. M. on Saturday, July 16, 1904, and the principal applicant has this day been directed to appear before the Commission at Muskogee on that day and introduce testimony in support of his application.

Respectfully,

Commissioner in Charge.

COMMISSIONERS:
TAMM BIXBY,
THOMAS B. NEEDLES,
C. E. BRECKINRIDGE

WM. O. BEALL
Secretary

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Comm R

REFER IN REPLY TO THE FOLLOWING
Cherokee Freedmen, D-428.

Muskogee, Indian Territory, October 14, 1904.

John Webber,

Lenapah, Indian Territory.

Dear Sir:

In the matter of the application for the enrollment of yourself and your brother, Joe Webber, as Cherokee freedmen, you are advised that this case will be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M., on Monday, November 21, 1904, at which time you will be permitted to appear and introduce such testimony as you may desire in support of said application.

Respectfully,



Commissioner in Charge.

Register.

COPY.

Cherokee Freedman
N-422.

Muskogee, Indian Territory, February 21, 1906.

Blue & Bulger,

Vinita, Indian Territory.

Gentlemen:

The Commission is in receipt of your letter of February 17, 1906, asking to be advised as to the status of the application for the enrollment of John Webber as a Cherokee Freedman.

In reply, you are advised that the Commission's decision rejecting the application for the enrollment of John Webber as a Cherokee Freedman, was remanded, by the Secretary of the Interior on April 13, 1904, for readjudication.

You are further advised that the Commission has not yet rendered a new decision in this case.

Respectfully,

(SIGNED). *Tams Bixby.*

Chairman,

COPY,

Cherokee Freedman
D-488.

Washago, Indian Territory, May 13, 1906.

John Webber,

Lampah, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated May 13, 1906, rejecting the application for the enrollment of yourself and your brother, Joe Webber, as Cherokee freedmen. There has heretofore been furnished your attorney, Louis F. Brown, Washago, Indian Territory, a copy of the record of proceedings, and there has this day been forwarded to him a copy of the Commission's decision.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

(SIGNED) *Tamie Birby*
Chairman.

Incl. L-36.

Registrar.

COPY

Cherokee Freedmen
D-428.

Muskogee, Indian Territory, May 13, 1906.

Louis T. Brown,

Attorney for John Webber et al.,

Muskogee, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated May 13, 1906, rejecting the application for the enrollment of John Webber et al., as Cherokee freedmen. You have heretofore been furnished with a copy of the record of proceedings.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Incl. L-37.

Register.

(SIGNED) *Tame Dixby*
Chairman.

COPY.

Cherokee Freedmen
D-428.

Muskogee, Indian Territory, May 13, 1906.

Bell, Hastings & Davenport,

Attorneys for the Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated May 13, 1906, rejecting the application for the enrollment of John Webber et al., as Cherokee Freedmen.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Incl. L-38.

(SIGNED) *Tame Dixby*
Chairman.

COPY.

Cherokee Freedman
D-424.

Muskogee, Indian Territory, May 13, 1905.

The Honorable

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application for the enrollment of John Webber et al., as Cherokee freedmen, including the Commission's decision, dated May 13, 1905, rejecting said application.

On July 1, 1903, the Commission rendered a decision rejecting the application for the enrollment of the applicants herein, and on April 13, 1904, the Department remanded this case for further hearing.

Respectfully,

(SIGNED) *Tame Dixby*
Chairman.

Incl. L-32.

Through the
Commissioner of Indian Affairs.

Refer in reply to the following:

Land.
37647-1905.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS.
WASHINGTON.

June 14, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose a report from the Commission to the Five Civilized Tribes, dated May 13, 1905, transmitting the record of the application for enrollment as Cherokee Freedmen by John Webber for himself and his brother, Joe Webber.

May 13, 1905, the Commission decided adversely to the applicants.

The record shows that on July 1, 1903, the Commission decided adversely to the applicants and that on April 13, 1904, the case was by the Department remanded for further testimony.

The evidence shows that the applicants had lived from childhood in the Cherokee Nation and that they claimed right to enrollment through their parents, both alleged to have been Cherokee Freedmen.

The names of the applicants or their parents are not found on the 1880 authenticated Cherokee roll.

(2).

Although ample opportunity has been given the applicants have failed to show that either of their parents was the slave of a Cherokee citizen at the beginning of the war of the rebellion or a free colored person residing in the Cherokee Nation.

In view of the record the approval of the Commission's decision of May 13, 1905, adverse to the applicants is recommended.

Very respectfully,

C. P. Larrabee,

Acting Commissioner.

M. H. H.

W.

(Copy).

I.P.
FILE

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

I. T. D. 7212-1905.

L. R. S.

August 5, 1905.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

May 13, 1905, the Commission to the Five Civilized Tribes transmitted the record in the matter of the application for the enrollment of John Webber and Joe Webber, as Cherokee Freedmen, including its decision of the same date, rejecting said application.

Reporting June 14, 1905, the Indian Office recommends that the Commission's decision be approved. A copy of its letter is enclosed.

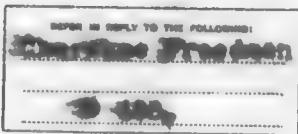
The Department concurs in said recommendation, and said decision is hereby affirmed.

Respectfully,

(signed): Theo. Ryan.

Acting Secretary.

1 inclosure.



DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, August 16, 1905.

John Webber,

Lenapah, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated May 13, 1905, rejecting the application for the enrollment of yourself and your brother, Joe Webber, as Cherokee freedmen, was affirmed by the Department on August 5, 1905.

Respectfully,

W. O. Beall

Acting Commissioner.

Cherokee Freedmen

B-428.

COPY.

Muskogee, Indian Territory, August 18, 1905.

Louis S. Brown,

Attorney for John Webber, et al.,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated May 13, 1905, rejecting the application for the enrollment of John Webber, et al., as Cherokee freedmen, was affirmed by the Department on August 5, 1905.

For your information there is inclosed herewith a copy of Departmental letter referred to.

Respectfully,

SIGNED,

Wm O. B. Allen
Acting Commissioner.

Ls

Incl. B-26

Cherokee Freedmen

D-428.

COPY.

Muskogee, Indian Territory, August 16, 1906.

Bell, Hastings & Liverpool,

Attorneys for the Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

You are advised that the decision of the Commission to the Five Civilized Tribes, dated May 13, 1906, rejecting the application for the enrollment of John Webber, et al., as Cherokee Freedmen, was affirmed by the Secretary of the Interior on August 5, 1906.

There is inclosed herewith, for your information, a copy of Departmental letter referred to.

Respectfully,

(SIGNED).

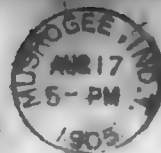
W. O. Ball
Acting Commissioner.

LS

Incl. S-27.

Department of the Interior.

Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.



Ford

John Webber,

~~Senapah,~~ Indian Territory.

Muskogee

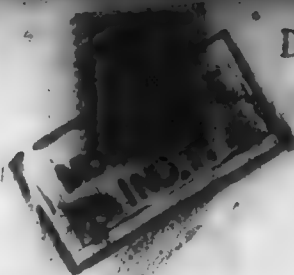
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Department of the Interior.

Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

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~~John Webber,~~

Catoosa, Indian Territory.

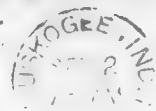
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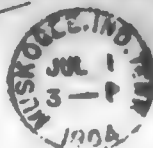
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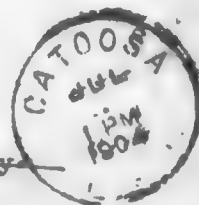


Department of the Interior.
Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.



John Webber,

Indian Territory



Department of the Interior.
Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.



Registered No. $\frac{74}{69}$

11/26

$\frac{14569}{72296}$

John Webber,

Lenapah, Indian Territory.

REGISTERED

MUSKOGEE

Cher. Fr. R. 634

Trans. from Fr. D. 455

Cher. Fr. R. 634

For Record in F.R-634

see F. D-455.

Trans. from F. D. 473

Cher. Fr. R. 635

Department of the Interior.
Commission to the Five Civilized Tribes.
Chelsea, I. T., June 1, 1901.

In the matter of the application of Charles Williams for the enrollment of himself as an intermarried Freedman, and for the enrollment of his wife, Lizzie Williams, as a Cherokee Freedman; he being sworn and examined by Commissioner C. R. Breckinridge, testified as follows: Mellette & Smith, Attorneys for Applicants.

- Q Give me your name? A Charles Williams.
Q How old are you? A I don't know exactly; I am somewhere about 75 or six.
Q What is your postoffice? A Chelsea.
Q In what district do you live? A Cooweescoowee.
Q Who is it you want to have put on the roll - your wife? A Yes sir.
Q You don't apply for yourself? A No sir, not by this one; I have a certificate - my first wife is dead.
Q Were you ever married to either of your wives under a Cherokee License? A Yes sir, the one that is dead.
Q You had a Cherokee license for her? A Yes sir.
Q Where is that Cherokee license? A (Presents paper to Commissioner)

As the applicant is shown to have a Cherokee license, it will be introduced at the proper time. He is advised to apply for himself as well as his wife.

- Q You will apply for yourself as a Cherokee Freedman by inter-marriage? A Yes sir.
Q Is that all you want to apply for - yourself and wife? A Yes sir.
Q How long have you lived in the Cherokee Nation? A About twenty years as near as I can come at it.
Q You are originally a state man, are you? A Yes sir.
Q How many times have you been married? A Only twice.
Q Only twice in your life? A Yes sir - No sir, I will take that back; just twice in the Cherokee Nation - I have been married once in the states.
Q You were married three times altogether? A Yes sir.
Q Give me the name of your first wife? A Mary Thompson.
Q Where did you marry her? A I married her in Texas.
Q When did you marry her? A I couldn't exactly tell when.
Q As near as you can come - before the war? A Yes sir, before the war.
Q Is she dead? A Yes sir.
Q How long has she been dead? A She has been dead about twenty or twenty-two years, I reckon.
Q Where did she die? A In Texas.
Q Did you and she live together from the time you married until she died? A Yes sir.
Q Well after her death you moved to the Cherokee Nation, was it? A Yes sir.
Q And then you married your second wife? A Yes sir.
Q Give me the name of your second wife? A Mina Rowe.
Q Your first wife was a Texas woman? A Yes sir.
Q Your second wife, what was she, a Cherokee Freedman? A Yes sir.
Q Is she dead? A Yes sir.
Q How long has she been dead? A She has been dead about 13 or 14 years, somewhere along there; I can't remember - maybe a year or two longer than that.
Q When were you married to her - how long after you got here? A About five or six years, somewhere along there as well as I can remember.
Q Several years after you got here you married her? A Yes sir.

The applicant presents a license issued by the Clerk

of Cooweescoowee district and under the seal of the district on the 26th day of November, 1884, authorizing marriage between himself, as a citizen of the United States, and Mary Miner Rowe, a colored woman, claiming to be a citizen of the Cherokee Nation. He likewise presents separately a certificate to the effect that Miner Rowe and Charles Williams were united in marriage according to the laws of the Cherokee Nation by a minister, S. Webber. This document bears the seal of Cooweescoowee district. These papers are filed herewith.

- Q Was your wife Miner Rowe? ever married before she married you?
 A Yes sir.
 Q How many times had she been married? A I don't know, sir.
 Q Do you know whether her former husband, or husbands were dead at the time she married you? A Yes sir, that is what they told me; she told me and her people told me, her mother and father.
 Q Did you ever have any reason to believe that there was any lawful objection to her marrying you? A No sir.
 Q Give me the name of your child wife? A Lizzie Williams.
 Q Was her name Williams when you married her? A No sir, she was named Blunt.
 Q Have you a certificate of marriage to her? A No sir.
 Q When did you marry her? A We have been married about 13 years, I guess, somewhere about that.
 Q Was your wife, Mina Rowe, dead when you married this wife? A Yes sir.
 Q Was Lizzie Blunt ever married before you married her? A They says not.
 Q How old is your present wife? A Well, she don't know. Her age was given at the Wallace roll Court as 43.
 Q She is about 54 at this time? A Yes sir, I guess so, 54.
 Q Where was she born? A They say she was born in the Cherokee Nation.
 Q That is claimed for her? A Yes sir.
 Q Has she lived in the Cherokee Nation all her life, as far as you know? A Yes sir, as far as I know.
 Q Have you ever heard of her living anywhere else? A No sir.
 Q Give me the name of her father? A I don't know my wife's father.
 Q Give me the name of your wife's mother? A I can't give you that.

The 1880 authenticated roll examined and the names of the applicant, his present wife, and his former wife are not found thereon.

- Q You are not on any roll yourself? A No sir.

Applicant not identified on any roll.

Applicant's wife not identified on the 1890 census roll.

- Q Did your wife draw strip money? A Yes sir.

The Kerns Clifton roll examined and the name of the applicant's wife found on page 170, No. 4202, Lizzie Williams, Cooweescoowee district, 43 years old.

The Wallace roll examined and the name of the applicant's wife is found on page 149, No. 3109, Lizzie Williams, Cooweescoowee District, 37 years old.

- Q You meant that your wife was 43 years old on the Kerns Clifton Roll? A I gave in her age myself, by her brother.
 Q Do you mean the Kerns Clifton Roll? A No sir, I mean the Wallace roll I gave it in as 43.
 Q Your wife then, according to the rolls, is about 47 or 8. The Rolls show that you gave it in to the Kerns Clifton roll as 43? A I haven't given in her age since I gave it in at the Wallace Roll; that was the last time I gave it in.

Q It is put there as 37? A I don't know who put it there; I know I didn't.

Commissioner: Let her age stay as 34.

Q What district was you living in when the Wallace roll was made?

A In this, Cooweescoowee.

By Mr. Mallette: You want to introduce Nelson Murrell and Charles Chambers as witnesses? A Yes sir.

Q Your wife, so far as you know, has always gone by the name of Lizzie Blunt until you married her? A Yes sir.

Nelson Murrell being sworn by Commissioner Breckinridge, and examined by Mr. Mallette, Attorney for applicant, testified as follows:

Q Give your name? A Nelson Murrell.

Q What is your age? A 77 years old next January.

Q Where do you live? A Cooweescoowee.

Q How long have you lived in the Cherokee Nation? A All my life.

Q Were you a slave in the Cherokee Nation before the war? A I was.

Q Do you know a woman formerly Lizzie Blunt, now the wife of Charles Williams? A Yes sir, I do.

Q Do you know who her master was? or whether she was a slave or not? A Yes sir.

Q Who was her master? A She had no master, she had a mistress. Her mistress was Mrs. Nancy Griffin.

Q Was she a Cherokee citizen? A Yes sir.

Q And recognized as such? A Yes sir.

Q Where did you first know Lizzie Blunt? A I knew Lizzie Blunt on the Bayou close to Fort Gibson in Tahlequah District.

Q When did you first know her? A Well, I knew her about 36 years ago.

Q Do you know where she was in the year 1866? A She was in Fort Gibson Scott.

Q How long did she stay there? A She stayed there about four years.

Q I don't mean that- after you saw her in Fort Scott in '66 what became of her? A She come down in the Cherokee Nation on the Verdigris river.

Q Who came with her? A I came with her.

Q How did she happen to come down with you in '66? A Her father was dead and her mother was an old woman, and she was with me and they fell in with me and I took charge of the family.

Q What part of the Cherokee Nation did you bring Lizzie Blunt? A I brought her about five miles south of where Coffeyville is now- or eight miles.

Q Where has she lived since that time? A She lived since that time on Panther Creek.

Q In what country? A In the Cherokee Nation.

Q Has she ever lived out of the Cherokee Nation so far as you know? A Not so far as I know.

Q What have you known about her since you brought her back to this country? A I know she has been insane.

Q I mean do you know of her living in this country since that time? A Yes sir, ever since she has been in this country.

W. W. Hastings: What time did you come back? A I came back to this country in '65, the first time I come to this country.

Q What time in '65? A February.

Q You never told that five years ago, did you? A They didn't ask me that either.

Q You were on the stand a number of times? A Yes, not in my case though.

- Q But as witnesses for others? A Yes sir, but in other cases, but my case is my case.
- Q You never told five years ago that you came back in '65, did you?
- A I don't know that I had occasion.
- Q You were on the stand a number of times? A It wasn't in my case though.
- Q The question of the time you returned was up there- you were questioned about the time you returned, five years ago? A Yes sir.
- Q You didn't then tell that you came back in February '65? A I don't know whether I did; I had no occasion. I was here in '65 and in '64.
- Q And you returned then in February '65? A I was here; I didn't return at that time.
- Q How long did you stay then? A About three months.
- Q What were you doing here then? A I was trading.
- Q With whom? A With Osages.
- Q You didn't see any Cherokees? A No sir.
- Q Can you talk the Osage Language? A I can talk it a little.
- Q You can talk it? A No much, I can talk a little.
- Q Enough to trade with them? A Yes sir.
- Q You could then, could you? A Yes sir.
- Q Where did you live prior to the war? A Park Hill.
- Q Did you meet the Osages down there? A No sir.
- Q You never met them before the war? A No sir.
- Q Did you learn to talk it before the war? A Yes sir, down on Dog Creek at Hick's. I lived close to John Chambers before the war.
- Q How long before the war? A I guess it was about fifteen years before the war.
- Q How far did you live from this applicant before the war?
- A This applicant, I don't know her.
- Q This one you are swearing for, this Lizzie Williams? A I lived within seven miles of her before the war.
- Q Didn't you testify before that you didn't know whether she was a slave at the beginning of the war or not? A No sir, I didn't.
- Q Was she a slave? A Yes sir.
- Q And she lived seven or eight miles of you? A Yes sir.
- Q Who was her mother? A Old aunt Fanny Griffin?
- Q When did the mother die? A She died, I don't remember what time she died.
- Q Was she dead up in Kansas? A No sir.
- Q Did she die here before the war? A No sir.
- Q Where did she die? A She died in Cooweescoowee.
- Q I thought you said her mother was dead and this was a little thing, and you had her to bring back? A She was a little thing when I met them at Fort Scott.
- Q Was her mother along then? A Yes sir, and I brought her mother along; I took care of them on the way.
- Q Who told you her mother's name? A Why I knew her mother's name back in Alabama.
- Q You come to Big Creek, did you? A When.
- Q In '66? A Yes sir.
- Q What time in the year did you permanently locate there? A I located there in '86 where I live now.
- Q You applied down to our Council and Court for readmission?
- A Yes sir.
- Q They never would admit you? A Never would.
- By Mr. Mellette: You say you knew the mother of this applicant, Lizzie Blunt? A Yes sir.
- Q Many years before the war? A Many years before the war.
- Q And who was her mistress here in the Cherokee Nation? A She had no mistress, she had a master.
- Q Who was her master? A Charles Melton.
- Q She and the child didn't belong to the same person then? A That was Charles Melton's sister, and after he died, she fell to his sister, Charles Melton had no wife.

- Q The sister of Charles Melton, what was her name? A Nancy Griffin.
- Q Well, did the mother of Lizzie Blunt go to Nancy Griffin after Melton died? A Yes sir, after Charles Melton died, she fell to Nancy Griffin.
- Q And you brought Lizzie Blunt and her both back to this nation in the fall of '66? A Yes sir.
- Commissioner: Did you bring Lizzie Blunt back from Kansas? A Yes sir.
- Q What did you say was the name of her mother? A Fanny Blunt.
- Q Is Fanny Blunt dead? A Yes sir.
- Q How long has she been dead? A She has been dead about 23 years.
- Q Do you know anything about Lizzie Blunt being married to Charles Williams? A Yes sir.
- Q About how long has she been married to Charles Williams? A She has been married to Charles Williams about fifteen or twenty years.
- Q Was Lizzie Blunt ever married before she married Charles Williams? A She never was in her life.
- Q How long have you known Charles Williams? A I have been knowing Charles Williams about twenty years.
- Q Where did you first get acquainted with him? A I got acquainted with him on Panther Creek.
- Q Do you know anything about how long he had been in the Cherokee Nation before that time? A No sir, nothing about him before that time.
- Q From what point in Kansas did you bring Lizzie Blunt in your charge? A I brought her from eight miles west of Fort Scott; I was living on ~~Marmatau~~ Marmatau Creek.
- Q How old was she then? A I don't recollect; I don't know.
- Q Was she a little girl? A She was just a common girl; she was just about grown; I thought she was about grown.
- Q Was that the first time you came to the Cherokee Nation from Kansas? A No sir, I was here before I brought her.
- Q Do you claim to have lived in the Cherokee Nation continuously ever since 1866? A Ever since, excepting a few years.
- Q What few years? A The time the war was going on.
- Q I said since '66? A Oh, yes, I have been living here ever since.

The applicant applies for the enrollment of himself, and wife. The applicant himself applies as an intermarried Cherokee Freedman. He shows that he was married to one Minor Rowe on November 28, 1884, and a Cherokee license, and a certificate of marriage relating thereto are filed herewith. This wife is said to have died 13 or 14 years ago, and she is not identified on the roll of 1880. The applicant claims under that marriage, and under his present marriage. It appears from the testimony that he had formerly been married, but that his first wife, he having been married now three times, was dead before he married his second wife. He claims that his second wife had been formerly married, but her first husband was dead before she married him. It is indicated by other testimony that he married his present wife, and third wife, fifteen or twenty years ago, which of course conflicts with his testimony; that his second wife was dead when he married his third wife, in as much as he places the death of his second wife not only 13 or 14 years ago. This is probably however a mere confusion of dates. The applicant will now be listed for enrollment as a Cherokee Freedman by intermarriage on a doubtful card for the further consideration of a claim of that character, and of his claim in particular as derived from the status as stated of his second wife, and of the status of his present wife. His present wife for whom he applies is said to have lived in the Cherokee Nation all her life, except an absence during the war and in-

cident thereto. Her marriage to the applicant is established by satisfactory personal testimony, and she is identified on the Wallace roll and the Kerns Clifton roll, but not upon the roll of 1880, or upon that of 1896. She will now be listed for enrollment as a Cherokee Freedman on a doubtful card. The final decision of the Commission in regard to these cases will be communicated with to the applicant at his postoffice address.

Supplemental.

Charles Chambers being sworn by Commissioner Brackinridge, and examined by Mr. Mellette, Attorney for Applicant, testified as follows:

- Q Give your name? A Charles Chambers.
 Q How old are you? A Between fifty, sixty and seventy years old. I don't know my age.
 Q Where do you live? A I live on Big Creek.
 Q Are you a citizen of the Cherokee Nation? A Yes sir, been recognized.
 Q Freedman citizen on the roll of 1880? A Yes sir.
 Q Do you know a colored woman who was formerly called Lizzie Blunt, who is now the wife of Charles Williams? A Yes sir.
 Q Now goes by the name of Lizzie Williams? A Yes sir.
 Q The applicant here in this case? A Yes sir.
 Q Do you know when she returned to the Cherokee Nation after the war? A Not exactly, no, not exactly.
 Q When did you see her after the war? A That was when I come up here in '67; she was here- she was there on Snow Creek.
 Q Was she upon Snow Creek? A Yes sir.
 Q In '67 when you came up there? A Yes sir.
 Q Where did you come from? A I come from Tahlequah.
 Q That is all you know about it? A Yes sir.
 W. W. Hastings: Who was she living with? A She was living with brother Murrell.
 Mr. Mellette: Nelson Murrell? A Yes sir.
 Commissioner: What time in '67 was that? A It was along in the summer.

(Mr. Hastings presents Mr. Mellette with a decision of the Supreme Court of the Cherokee Nation which he wishes to offer in this case, and which is cited below).

Mr. Mellette: I object to the admission of the record in question because it does not appear that the court had jurisdiction to decide the question which it took upon itself to decide; that there is nothing to show that the record is a proper record of the proceedings of the court; that there was nothing before the court at the time of the rendering of this pretended decision which would have authorized it to have been the decision, and that the decision does not properly appear to have been the decision of any Court of competent jurisdiction.

Mr. Hastings: Comes now the representative of the Cherokee Nation and offers a decision of the Supreme Court of the Cherokee Nation found on page 86, Minutes of Special Court of Commission, Supreme Court, 1871, as follows:- Tuesday morning, June 20, 1871, Court convened. Present same as yesterday: The making out of report continued until the court announced the following decision regarding certain colored women of the nation. To wit:-

The Court of Commission after mature reflection feel authorized to decide against all cases before it wherein colored or black men are claiming citizenship from marrying black female citizens under the law. "Regulating intermarriage with white men," as they are convinced a correct interpretation of said law will not authorize a clerk of any of the courts to issue a license to a black man to marry a black woman as it only alludes to and was intended for white men and Cherokee women.

The Court believes it is further sustained in the opinion that colored citizens are such by adoption, and as such, can not confer rights upon others without further legislation upon the matter. Therefore decide, "the following persons are not entitled to Cherokee citizenship as claimed," to-wit:-

(Here appears a number of names following that.)

On the margin of said page appears the following note:-
Decision regarding colored citizens of the United States intermarrying with colored women citizens of the Cherokee Nation, made June 20, 1871a.

W. W. Hastings, being sworn by Commissioner C. R. Breckinridge, testifies as follows:

My name is W. W. Hastings; 34 years of age; postoffice, Tahlequah, I. T. I am one of the representatives of the Cherokee Nation. I want to state that the book which is labeled "Minutes of Special Court of Commission." Supreme Court," 1871" out of which the above decision was read are part of the records of the Executive office of the Cherokee Nation, and was turned over to the representatives of the Cherokee Nation by the Executive Clerks of the Cherokee Nation in charge of those records for use while representing the Cherokee Nation before the United States commission in making a roll of Cherokee Freedmen.

Mr. Mellette: I offer further objection to the admission of this record and the testimony of Mr. Hastings upon the ground that this applicant, Lizzie Williams, having been placed upon what is known as the Kerns Clifton roll, the Cherokee Nation is precluded from questioning the said roll. The Court of Claims of the United States having decided in the original decree, and in the amended decree in the case of Mose Whitmire vs. the United States; that any legislation or law of the Cherokee Nation which discriminates against Freedmen citizens of the Cherokee Nation, and denied them any rights granted to a native born Cherokee, was of no effect and void, and that the decision offered by the Cherokee Nation in this case seeks to discriminate against colored Freedmen citizens of the United States, not allowing them the same privileges accorded to native born Cherokees.

Commissioner Breckinridge: The objection will be noted and no decision will be rendered in the premises at this time and the record will be reported to the full Commission for its consideration.

-8-

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a full, true and correct transcript of his stenographic notes thereof.

(Signed) E. G. ROTHENBERGER.

Subscribed and sworn to before me this 4th day of June, 1901.

T. S. NEEDLES,
Commissioner.

Josie Davies, stenographer to the Commission to the Five Civilized Tribes, on oath states: That the above and foregoing is a full, true and correct copy of the original testimony in the case of Charles Williams, et al., for enrollment as Cherokee Freedmen, taken at Chelsea, I. T. June 1, 1901, now on file with the Commission.

Subscribed and sworn to before me this 14th day of December, 1904.

Charles Williams
Notary Public.

#10473

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
MAR 29 1902

JOHN C. HAY

VALLEY PAPER CO

Don't forget to

File with Charles Williams, C.F. D-975

Department of the Interior,
Commission to the Five Civilized Tribes,
Chelsea, I.T., June 6th, 1901.

In the matter of the application of Nelson Murrell for the enrollment of himself and wife as Cherokee Freedmen; said Murrell being sworn and examined by Commissioner T.B. Needles, testified as follows:

Appearances:

Messrs. Smith & Mellette, for applicants;
Mr. W.W. Hastings, Cherokee Representative.

- Q What is your name? A Nelson Murrell.
Q How old are you? A 77.
Q What is your post-office address? A Coffeyville.
Q What district do you live in? A Cowassee.
Q Do you apply to be enrolled as a Cherokee Freedman? A Yes, sir.
Q Do you desire to enroll anybody besides yourself? A Myself and wife.
Q What is the name of your wife? A Flora.
Q How old is Flora? A About 67.
Q Is your name on the roll of 1886, Mr. Murrell? A No, sir.
Q Is your wife's name not on the roll of 1886? A No, sir.
BY MR. SMITH:
Q What is your post office, Mr. Murrell? A Coffeyville, Kansas.
Q How far do you live from Coffeyville? A About eight miles south.
Q In the Indian Territory? A Indian Territory.
Q What Nation? A Cherokee.
Q Were you your self born a slave? A Yes, sir.
Q Who was your Master? A Well I was a born a slave of one Nave.
Q Do you know what Nave it was? A Henry Nave.
Q Was he a Cherokee Indian? A His wife was.
Q What was her name? A Susie Nave.
Q Do you know what her name was before she married Henry Nave?
A Susan Ross.
Q Was she a Cherokee Indian? A Yes, sir.
Q Were Henry Nave and his wife citizens of the Cherokee Nation?
A Well, his wife was a Cherokee and he was adopted citizen by marriage.
Q Where did they live before the war? A Well, before the war the first I knew of them they lived in Georgia.
Q Did they ever live here in the Indian Territory? A Yes, sir.
Q In what part of the Nation? A Tahlequah District.
Q Where were you when the war commenced? A I was right near Tahlequah.
Q With what family of people? A With the Murrells, George Murrell.
Q Did you go out of the Cherokee Nation before the war?
A Yes sir.
Q Where did you go to? A Up in Kansas.
Q When did you return the first time to the Cherokee Nation after the war? A I returned the first time in '65, February, '65.
Q Where did you come to? A I came to the Cherokee Nation.
Q What point? A Up in Cowassee.
Q Well near what place? A Snow Creek vicinity.
Q How far from what is now the town of Chelsea? A I don't know exactly how far from Chelsea town, about 35 or 40 miles; this is the first time I ever was at Chelsea.
Q Did you make more than one trip to the Cherokee Nation? A Yes sir.
Q Well after you came in 1865 when did you come out again after you went out? A Went back again about a month after I came in '65.
Q Did you return to the Cherokee Nation at any time after that?
A Yes, sir.
Q About when? A Came back in July.
Q Of what year? A Same year.
Q Did you remain here at that time? A No, sir.

Nelson Murrell, et al 2.

- Q What did you do then? A Went back.
- Q When did you return then to the Cherokee Natl of A In '66, in the fall, in '66 and '66 I mean in the fall.
- Q Well where did you locate? A I located on the Verdigris on the east side of the Verdigris, west side of Snow Creek.
- Q When? A I located on the east side of the Verdigris, west side of Snow Creek.
- Q When was it you made that location? A I made that location in '75 where I live.
- Q Where had you been up to 1875? A I had been back to Kansas.
- Q When was it now you said you first came down here? A I come down in February, '75.
- Q You don't mean '75? A No, sir, '65.
- Q Now when did you first make that first location? A I made it the same time.
- Q You said Mr. Murrell, 1875, a while ago? A I took that back, I made a mistake.
- Q Well when was it? A I come in '65.
- Q That is what you said when I asked you when you made your first location? A My first location I made it in February '65.
- Q Where have you lived since that time? A I stopped in Kansas a little while, I never did live in Kansas.
- Q Who is your wife now? A Flora Murrell.
- Q How long have you known her? A I have known her 40 odd years.
- Q When did you first get acquainted with her? A I got acquainted with her 40 years ago perhaps, maybe more I won't be positive.
- Q Where? A Close to Tahlequah, Park Hill.
- Q Before the war? A Yes, sir.
- Q Where did you next see her after the war? A Next seen her after the war, I saw her up on the Verdigris where I live now, that was after the war.
- Q Well, when did you see her next? A I saw her along about '73, 1873, I saw her.
- Q Where was she living? A Well, sir, she came into the country there where I lived.
- Q Well, where were you living? A I was living out there near Snow Creek.
- Q Was she ever married before she married you? A Well, sir, she come there a married woman.
- Q What was her husband's name? A Robert Vann, Lewis Vann in Cherokee.
- Q When did you marry? A I married about 26 years ago.
- Q Have you and she been living together ever since? A Yes, sir.
- Q Where? A Up where I live now, Snow Creek.
- Q How long had you been back here after you made your location here in 1865 before you first saw her? A It was about two years.
- Q You don't know where she was in 1866? A No, sir.
- BY MR. HASTINGS:
- Q You come down in 1865? A Yes, sir.
- Q Who come with you at that time? A Joseph Ross and Frank Hove.
- Q Anybody else? A That is all.
- Q Where did you come to? A Come on Verdigris.
- Q Near Snow Creek? A Yes, sir.
- Q How long did you remain up there? A About one month, some who res along about that.
- Q Where did you go from there? A I went back to Kansas.
- Q How long did you stay in Kansas? A I come back the next time in June.
- Q The following June? A Yes, sir.
- Q What did you do then in June? A Cut hay.
- Q You put up hay then did you? A Yes, sir.
- Q Then you went back did you? A Yes, sir.
- Q Well when did you come back then? A I come back in the fall.
- Q Same fall was it? A Fall of '66.
- Q Was it the same fall you put up the hay in June? A Fall of '66.

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- Q Answer my question did you come back the same fall that you put up the hay? A Yes, sir.
- Q You put up hay after you were here in June? A Yes, sir, I come back in the fall of '66, I know that.
- Q The first time you ever come here that was in February? A Yes, sir.
- Q According to your testimony you stayed here about a month? A About a month.
- Q You and Joe Moss and Frank Hare? A Yes, sir.
- Q Frank Hare is dead isn't he? A Yes, sir.
- Q Now, you stated you stayed here about a month at that time? A Yes, sir.
- Q Then you went back to Kansas? A Yes, sir.
- Q Now, you stated that you came back here the following June and put up hay is that true? A That is true.
- Q Now, then you went back to Kansas again? A Yes, sir.
- Q Now, the next time you moved is that correct? A Yes, sir.
- Q And that was the following fall? A Yes, sir.
- Q Now, the first time you come here was in February, '65? A Yes, sir.
- Q Now, who come with you when you come in June? A Joseph Ross, Posy Gibson, Ben Pee and Cascar Hog.
- Q That was all was it? A Yes, sir.
- Q Did you see any colored people, anybody when you first came? A Yes, sir.
- Q Who? A Amos Adair.
- Q You testified in Amos Adair's case the other day didn't you? A I did.
- Q Did you see any colored people here the following June when you come? A Mr. Adair.
- Q He was here in June was he? A I think he was, if I mistake not.
- Q That was the June after you were here in February? A Yes, sir.
- Q Now, what other colored people did you see down here, in June, any besides Amos Adair? A Only Amos Adair.
- Q You never saw any colored people while you were on that trip? A Not sir, not on that trip.
- Q Now about what time did you return to locate? A I returned to locate the third time in the same following fall.
- Q In the same following fall? A Yes, sir.
- Q About when? A Along about the first of the fall, I don't know exactly.
- Q You don't remember the month? A No, I don't remember the month.
- Q Do you think it was as early as September? A It hadn't got cold yet.
- Q The leaves were on the trees? A Yes, the leaves were on the trees.
- Q You never lived about Fort Scott Kansas did you? A No, sir, I never did live there.
- Q You didn't make a crop on the Stuart farm did you? A No, sir, I don't know nothing about Stuart.
- Q Did you make a crop up there? A Yes, sir.
- Q On whose place? A I made a little crop on John McKibben's place one year.
- Q What did you raise? A I raised a little corn.
- Q What year was that? A That was while the war was going on, I think it was in '63.
- Q Wasn't you in the army? A No, sir, wasn't in no army.
- Q You never made a crop in 1865? A No, sir.
- Q Did you make one in 1866? A No, sir.
- Q Did you make a crop up there in '67? A No, sir, I wasn't up there.
- Q Did you know a man by the name of Hester? A Yes, sir.
- Q What country was he in? A Bourbon County (Kansas.)
- Q Did you know Mrs. Drunby? A I got acquainted with her down here.
- Q You never knew her up there? A No, sir.
- Q You never saw her before? A Never saw her before I saw her here.
- Q Where did you get acquainted with her here? A She was at my

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house.

Q On Snow Creek? A Yes, sir.

Q You came, then, and located on Snow Creek, did you? A Yes, sir, on Snow Creek.

Q You had built that house in there in February before? A February before.

Q Where did you spend the winter before that? A The winter before that.

Q The winter before you come down here? A Near Mound City.

Q Murrell, do you belong to the Freedmen Protective Association?

A Yes, sir.

Objected to by Attorney for applicant because it is incompetent, irrelevant and immaterial.

Objection overruled by the Commission.

Q Who are your witnesses? A Joseph Ross.

Q Does he belong to that Association? A I don't know whether he does or not.

Q Don't you know the members of it? A Yes, he belongs to it.

Q Who is any other witness? A Steven Looney.

Q Does Steven Looney belong to it? A I don't know whether.

Q Does he belong to it? A I don't know; he lives in another neighborhood.

Q About how far from you? A About three miles.

Q You don't have different Associations every three miles?

A Might have different places where they meet.

Q About how many belong to your association? A I don't know.

Q Well, about how many? A Maybe 20 or 30.

Q Are your meetings held in secret? A No, sir.

Q What is the object of it? A To protect one another and keeping out all people that don't belong to the Cherokee Nation.

Q Have you ever given any information to keep out any from the Cherokee Nation? A No, sir.

Q You have testified forswearal? A Yes, sir.

Q You were at Fort Gibson? A Yes, sir.

Q You went down there as a member of the Committee? A I went down there as a man.

Q You are down here as a member of the Committee? A Yes, sir.

Q What other witnesses have you got? A Sam Webber.

Q Does he belong to your association too? A I don't know nothing about Sam Webber.

Q Don't you know the members of your association? A I know the members where I live; Sam Webber lives at Nowata.

Q Well now, does this Joe Ross belong to it? A Yes, sir.

BY MR. SMITH:

Q What did you say that the purpose of that association was.

A The purpose of that association is Cherokee Freedmen Protective Association, Cherokee Freedmen.

Q What is the purpose of it? A It is to protect one another in helping one another through this Court I suppose to be Cherokee Freedmen; on the outside no one belong to it but Cherokee Freedmen.

BY W.W. HASTINGS: It is a secret order is it? A No, sir; no man comes in there belonging to the United States, he has no right in the order.

BY MR. SMITH:

Q Mr. Murrell, do you know how many of those associations there are? A No, sir; I don't know exactly, there may be three or four, four or five, as far as I know.

Q You were asked if you had testified for a good many of the applicants? A Yes, sir, I was asked that.

Q You stated that you had I believe? A I had for a good many.

Q Have you testified for any applicant except those that you know to have been here in 1866? A No, sir, I haven't; I deny the charge.

Q You have been in attendance consistently upon this Commission since it has been meeting at Chascon? A No, sir.

Q Have you heard any Cherokee Indian testify in favor of these applicants? A All come back in '70, I haven't heard any one.

Q How many people on the part of the Cherokee Nation have you observed on this front row right here (indicating)? A Oh I have observed several.

Q Do you know what they are doing? A I see some slipping in little slips here to Mr. Hastings and others say they preparing them around there and slipping them here.

Q Do you know in what capacity they are retained here? A No, sir, I can't tell.

BY MR. HASTINGS:

Q Mr. Smith has been the Attorney of a good many hasn't he? A You know how many he is for.

Q He has the calling hasn't he? A Yes, sir.

Q He has not called any Cherokee citizens has he? A No, sir.

Q Mr. Murrell, there is about two thousand recognized Freedmen on the roll of 1880? A I don't know anything about how many.

Q The Cherokee Nation made that roll? A Till you got there with them I don't know.

Q The Cherokee Nation made that roll? A Yes, sir, I suppose so.

Q And they recognized in 1880 about two thousand old slaves?

A Yes sir.

BY MR. SMITH:

Q Do you know of any old slaves they didn't recognize in 1880?

A Yes, sir, I do.

Q Were you here when that census was taken? A Yes, sir.

Q Do you know how that census was taken? A Yes, sir.

Q How? A They went to work and taken that census and went through the country, and I was living at that time up near Coffeyville, where old Parker was at that time; these census takers would come up there and sometime they would get drunk and overstay their time and then they would go to the nearest house and ask who lived over there and they would tell them.

BY MR. HASTINGS: You don't know that? A Yes, sir; I know it, I know it to be a fact.

Q The National Council revised and authenticated this roll of 1880 didn't they? A I don't know; they done so many ~~xxx~~ things, I don't know what they done.

BY COM'R NEEDLES:

Q Did these census takers come to your house and enroll you in 1880? A No, sir, not at that time.

STEVE LOONEY, called as a witness and being duly sworn by Commissioner T.B. Needles, testified as follows;

EXAMINATION BY MR. SMITH:

Q What is your name? A Steve Looney.

Q Where do you live, Mr. Looney? A I live up on the Verdigris.

Q How long have you lived there? A I have been living there ever since the fall of '66.

Q Have you got any brothers and sisters? A I have a sister I have no brothers.

Q What is your sister's name? A Frances.

Q Frances what? A Frances Patterson, if she goes by her husband's name, and have one named Mandy.

Q Do you know Nelson Murrell? A Yes, sir.

Q How long have you known Nelson? A I have been knowing him pretty near all my life, ever since I was a little boy.

Q How old do you say you are? A About 58.

Q Where did you know Nelson first? A Knewed him at Park Hill.

Q Where was Park Hill? A Down in the Cherokee Nation there.

Q Near what town now? A Tahlequah.

Q Do you know who he belonged to? A He belonged to George Murrell; that is his Mandy's name; he belonged to his Mistress, Mandy Murrell, she is a Cherokee.

Q Did he ever belong to anybody else except them? A Not as I know of.

Q Not that you know of? A Not as I know of.

Q Which is the older you or her? A He is older than I am.

Q Do you know whether he went out of the Nation during the war?

A Yes, sir.

Q Did he? A Yes, sir, I guess he did.

Q When did you first see him back here in the Cherokee Nation after the war? A Well we came together and came to the Cherokee Nation.

Q Where did you come from? A Came from Fort Scott, Kansas.

Q Where did you come to? A We come on the Verdigris river here Cherokee Nation.

Q Well, when did you come? A We come in the fall of 1866.

Q Where did you come to, what point? you said on the Verdigris river, now whereabouts? A Right close to Gooseneck bend.

Q Where have you been living ever since that time? A I have been living right where I live now.

Q How far does Nelson Murrell live from you? A It must be three miles or more, about three miles and a half I guess.

Q Some thing near three miles and a half? A Yes, sir.

Q Well, where has Nelson Murrell been living all this time?

A Been living right where he is now.

Q Since when? A Since we moved in there in '66, the fall.

Q Do you know his wife, Flora Murrell? A Yes, sir.

Q When did you get acquainted with Flora? A Well, I used to know her before the war.

Q How long had she and Nelson been married, do you know?

A I don't know.

Q Well, is it along time or short time? A Been a good while ago.

Q Are they living together up there now? A Yes, sir.

BY W.W. HASTINGS:

Q What was his wife's name when you first knew her? A If I aint mistaken it is a Melton.

Q Melton? A Yes, sir, is I mistake not.

Q Who did she belong to before the war? A If I aint mistaken, might be mistake n, George Melton, or Lewis Melton, it was the Melton family; there was a whole lot of them.

Q Where did she live before the war? A They did live there a while at Park Hill.

Q Where did you live? A I lived on Illinois river.

Q Do you think they belonged to the Meltons? A Yes, sir.

Q Was she and Uncle Nelson married before the war? A No, sir, I think not.

Q Wasn't they living in Kansas together? A I don't think sh was.

Q Well when did you first see them living together? A Well that is when I was telling you I don't know how long since they was married.

Q When did you first see them, how long ago? A He was up on Snow Creek.

Q Did he bring her back with him when you come with him? A I don't think he did.

Q When did he bring her? A I could not tell you that.

Q You can't say whether he brought her with him or not? A No, sir.

Q Who did he bring with him? A He brought a woman by the name of Eliza.

Q Is she living? A No, sir; she is dead.

Q When did she die? A She has been dead a good while ago, I could not tell you just how long it hasben.

Q ~~How long was it after the war was it until you saw~~ this woman? A Well I could not say that either, it has been a good while ago.

Q Do you know whether she was ever married before? A No, sir, I couldnot tell that.

Q When is the first time you were ever down ~~at~~ here after the war?

A I come in the fall of '66.

Q That the first trip you ever made? A That is the first trip to my recollection.

Q That is when you moved down? A Yes, when I moved down.

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Q About what time in the fall was it? A Kinda cold, late in the fall.

Q Pretty near Christmas? A It might have been.

Q About how long was it after the treaty, after you heard of it until you came? A I told you once I didn't know about what time it might have been close to about a year, couldn't tell you exactly, never kept any dates, I come back in that fall.

Q You never kept up with dates very well? A No, I don't know anything about it.

Q You didn't come down with Uncle Nelson in June or July before? A No, sir.

Q Did he have any house built down there? A If he did I disremember.

Q You didn't see it? A No, sir.

Q Did he have a crop down there? A No, sir.

Q No corn? A No, sir.

Q Have any hay? A Well he might have had hay; I didn't stop around him very long, I moved right across the river.

Q How far did you locate from him? A It must be three miles or three miles and a half.

Q Did he come in a wagon? A Yes, sir.

Q How many wagons did Uncle Nelson have? A One as I know of.

Q Only one team? A Yes, sir.

Q Well, where did you get in with Mr. Murrell at? A Fort Scott.

Q Did he live there in Fort Scott? A Not right in Fort Scott he didn't.

Q On whose place was he living? A I disremember the man's name now.

Q Do you think you would remember it if I was to call it? A I don't know whether I would or not.

Q Do you remember a man's name by the name of Stuart? A I don't believe I do.

Q Do you know whether he made a crop down here that year that you moved down here in the winter? A I don't know whether he did or not.

Q He was living on a farm near Fort Scott? A Yes, sir.

Q And there is where you got up with him? A Yes, sir.

Q Do you belonged to Uncle Nelson's Freedman Protective Association? A I told you not.

Q You live within three miles of him? A Yes, sir, I could live in the house and then not belong to what he did.

Q He testified for you? A Yes, sir.

Q And you are testifying for him? A Yes, sir.

Q Yet you don't belong to his Protective Association? A Wasn't nobody up there to have as a witness, nobody there; if there had been anybody there I probably would have had different people.

JOE ROSS, being duly sworn by Commissioner T.B. Needles, testified as follows: BY MR. SMITH:

Q State your name? A Joe Ross.

Q How old are you? A I am about 60 years old.

Q Where do you live? A Up in Cooweescoowee.

Q What is your post-office? A Coffeyville.

Q How long have you lived in the Cherokee Nation? A I have been living in the Cherokee Nation all my life.

Q Did you go out of the Nation during the war? A Yes, sir.

Q Do you know Nelson Murrell? A Yes, sir.

Q Was he out during the war, or did you know about that yourself? A Out during the war?

Q Yes, was he out during the war, or did you know? A Yes, he was out during the war.

Q When did you next see Nelson Murrell in the Cherokee Nation after the war? A When I first seen him me and him come down to the Cherokee Nation from Kansas.

Q When did you come? A In '65 first.

Q Where did you come to? A Down here on the Verdigris.

Q In what district? A Cooweescoowee District.

- Q That was Cherokee Nation? A Yes, sir.
- Q Well, where have you been living ever since that time?
- A I have been living right here.
- Q What do you mean by right here? A In Cooweescoowee until we come back.
- Q How far do you live from where Nelson Murrell lives?
- A We live right close together.
- Q How close together? A We stayed pretty near in one house pretty near together.
- Q Do you mean now? A No now, he stays on one side of Snow Creek and I stays on the east side.
- Q How far do you live from him now? A About two or three miles.
- A Do you know where Nelson Murrell has been living since you and he come back here in 1865? A Yes, sir.
- Q Where? A Right where he is living now.
- Q And where is he living now? A Verdigris.
- Q In what Nation? A Cooweescoowee.
- Q Cooweescoowee District you mean? A Yes, sir.
- Q Well, what Nation is it in? A Cherokee Nation.
- BY MR. HASTINGS:
- Q Do you know what Nation this is, are you positive? A I know it is Cherokee Nation all right.
- Q Do you know what district it is? A Yes sir.
- Q What? A Cooweescoowee District.
- Q Uncle Joe, what year is this? A I don't know, sir.
- Q Do you know any year? A Mighty little.
- Q Don't know anything about dates? A No, sir.
- Q Do you know what year you were born? A No, sir, I don't know that.
- Q Do you know what year you were married? A No, sir.
- Q You don't know about any other than, anything but the one you mentioned? A Yes, sir.
- Q That is the only year you know? A No, sir.
- Q What other year do you know? A '65.
- Q Don't you know any other year? A No, sir.
- Q You never heard of any other year? A Yes sir.
- Q What other year did you hear of? A '66.
- Q Did you ever hear of any other? A No, sir.
- Q You never heard of any other except these two? A No, sir.
- Q Where did you live before the war? A Lived with John Ross.
- Q Did you know Nelson Murrell's wife? A Yes, sir.
- Q Flora? A No, sir; one he lived with up there, I knowed him/ wife was Eliza Murrell.
- Q Well his present wife; is that his present wife? A Yes, sir.
- Q Well, I didn't know that that is the wife he is living with now? A Yes, sir.
- Q How long have you known her? A (No response)
- Q You come to Snow Creek did you? A Yes, sir.
- Q About what time of the year did you come to Snow Creek?
- A Come there in '65 the first trip I made.
- Q About what time of the year was it? A Well, sir, I don't know what time it was, it was cold.
- Q About Christmas? A No, it was not Christmas.
- Q Well, was it before Christmas or after Christmas? A No, it wasn't, it was sometime, it was cold weather, I don't know what time it was.
- Q Snow on the ground? A Snow ketched us on the ground before we went back.
- Q Who come with you? A Me and Nelson Murrell and Frank Nave,
- Q How long did you stay her? A About a week and some nine or ten days.
- Q The snow caught you on the ground while you were down her? A Yes sir.
- Q What did you come down for? A We fetched a load of flour down.
- Q Is that the old time you were down here before you moved? A That was before I moved I come down here.

Q Then the next time you come down you moved? A No, sir, I come two trips, third trip I moved.

Q Who come with you the second trip? A He and Murrell.

Q Who else? A Posa Bigson.

Q And who else? A That is all I remember.

Q What did you do that time? A We cut some hay and put up.

Q What time of the year was that? A I don't know, sir, what time of the year that was we cut some hay to put up.

Q How long was you say? A We stayed a week or so.

Q What did you cut hay with? A Mowing blade, grass blade.

Q And put it up in stacks? A Put it up in stacks.

Q You didn't build any houses then? A We built houses before that.

Q Was that in 1866 you come that time? A In '66, we went up and moved out folks down to our houses.

Q You have lived up there on Snow Creek ever since? A Yes, sir.

Q Uncle Nelson testified for you in your case? A Yes, sir.

Q And you are testifying for him in his? A Yes, sir.

Q Do you belong to the Uncle Nelson's Freedman Protective Association? A I didn't know they had a Freedman.

Q Do you belong to it? A I don't know whether I is or not.

Q Do you belong to an Association of colored people? A Yes.

Q Good many people.

Mr. Smith. Mr. Court, I want to make a formal objection because it is irrelevant, incompetent and immaterial.

Objection is overruled by the Commission.

Q I want to ask you if a great many don't belong to that association up there? A (no response.)

Q Say, Joe, don't a good many people belong to that Association? A Not a good many of them.

Q About how many? A I don't know how many there is a few of us.

Q It is a Secret Association isn't it? A I guess it is.

Q You only let certain persons in? A We let all come in we don't want to come in.

Q Steven Looney belonged to it? A I don't know whether he is or not.

Q You don't know the members of it? A I know 'em, but they.

Q You can't tell them? A No, sir.

Q You are not allowed to tell them? A No, I ain't.

Q You are not allowed to tell the purpose of it are you? A No, sir.

Q It is a secret Association then isn't it? A It must be.

Q Where did you see, first know Nelson Murrell's present wife, the wife he is living with, where did you first know her? A I knowed her where she is now, in the Cherokee nation.

Q Well, when did you first know her? A I have been knowing her all my life.

Q Who did she belong to before the war? A She belonged to old man Melton.

Q When did she and Nelson marry? A I don't know, sir, when they married.

Q Before or after the war? A Well, before the war; yes, before the war.

Q Did Nelson bring her down here with him when he come back with you? A No, sir.

Q Well did he bring her down here when he moved his family? A No, sir, he didn't.

Q Well, who did he bring? A He brought his wife with him what he had up there, Eliza Williams.

Q That is not the wife he is living with now? A No, sir.

Q Well had he married this wife before the war? A Which wife?

Q This one he is living with now? A No, sir.

Q He didn't? A No, sir.

Q He never married her until after the war? A No, sir.

Q Well, how long after the war until you saw this woman? A I saw

her, don't know how long it was.

Q Did she come along with you people? A No, sir, she didn't.

Q Do you know who brought her down here? A No, sir.

Q Do you know when she came? A No, sir.

Q You don't know how long after the war? A No, sir.

Q Do you people in your Association agree to help each other get up your testimony? A We don't have any testimony to get up.

Q Never made any agreement of that kind? A No, sir.

Q You appointed uncle Nelson as a member to go down to Fort Gibson? A I didn't appoint him.

Q I mean that Association down there they sent him down there?

A No, sir, they didn't.

BY MR. SMITH:

Q I believe you stated that you didn't see and you didn't yourself know where Flora Melton was when you and Nelson came back down here in 1866? A No, sir, I don't know where she was.

Q Do you know how long it was after that before Flora and Nelson married? A No, sir.

Q Can't say? A No, sir, I can't say.

Q Now who was Nelson's wife before he married Flora? A Eliza Williams.

Q Eliza was her name was it? A Yes, sir.

Q Well, Nelson was not married to Flora before the war was he?

A No, sir.

FLORA MURRELL, being called and sworn by Commissioner T.B.

Needles, testified as follows: BY MR. SMITH:

Q State your name? A Flora Murrell.

Q How old are you? A Well if I remember right I think the last day of this last June I was 70.

Q Where do you live? A I live on Snow Creek between Snow Creek and the Verdigris river.

Q In what Nation? A In the Cherokee Nation.

Q How long have you lived there, in the Cherokee Nation? A All my life.

Q Were you born a slave? A Yes, sir.

Q To whom did you belonged at the time the war commenced? A Lewis Melton and Susie Melton.

Q Were they Indians? A Yes, sir.

Q Cherokee Indians? A Yes, sir.

Q Citizens of the Cherokee Nation? A Yes, sir.

Q Where were you during the war? A I was up in Big Bend.

Q In what nation? A Well it was in the Cherokee Nation.

Q Did you go out of the Cherokee nation at all during the war?

A No, sir.

Q Where were in the year 1866, immediately after the war closed?

A I was at Big Bend, I don't know none of that time.

Q You don't know dates? A No, sir.

Q Well, have you ever lived out of the Cherokee Nation at all?

A Never has.

Q Who were the members of the family of Lew Melton and his wife, about whom you have spoken? A Susie Melton, Nancy Melton and Mary Melton, and had a daughter named Susie, George and Catherine and Edward Melton, Moses Melton.

Q In what part of the Nation were you living when the war commenced?

A We was living on the place where.

Q Don't care about the place but what part of the Cherokee Nation were you living? A Bird Creek.

Q What town would that be as the towns are built now? A There wasn't no towns near us then any nearer than Tahlequah.

Q Well, how far did you live from Tahlequah? A They called it a hundred miles.

Q You don't know how far it was? A No, sir.

Q Now, this place you are talking about living what town if any has been built up near that place since? A I don't know sir, as there is any, I ain't been to the place since the war.

Q You state that you weren't out of the Cherokee Nation during the war? A No, sir, I wasn't.

Q Have you ever been married before you married Murrell?

A Yes, sir.

Q Who was your husband? A Louin Vann, they call'd him in Cherokee, his name was Robert Vann, in English.

Q Was he a slave? A Yes, sir.

Q Who did he belong to? A Joe Vann.

Q Was Joe Vann an Indian? A Yes, sir.

Q Cherokee Indian? A Yes, sir.

Q Here in the Cherokee Nation? A Yes, sir.

Q How long were you and Louin Vann married? A Well, I don't know hardly just how long we was married.

Q Did you have any children while you were his wife? A Yes, sir.

Q What are their names? A We had eight children, I haven't got but three living.

Q Give me the names of these children? A Sonny Smith.

Q Is that a man or woman? A He is a man.

Q And what is the next one's name? A Charley Vann.

Q What is the next child's name of the three living?

A Lila Hopkins, she is married.

Q Is that meant for Delilah or just Lilah? A Meant for both but we just call'd her Lilah.

Q Is she married? A Yes, sir.

Q Whom did she marry? A She married Oliver Hopkins.

Q Where does she live? A She lives on Caney.

Q In what Nation? A Cherokee Nation.

Q How long has she lived there? A I don't know just how long she has been there, pretty near ever since they have been married.

Q How long have they been married? A I don't know; been married long enough to have seven or eight children.

Q How old is the oldest child? A I don't know, I think she is in her sixteenth year.

Q Where was Lilah before she married? A She was living with me.

Q Where did she live up to the time she was married? A With me.

Q Where does your son, Charley Vann, now live.

Q He lives in about a half a mile from me.

Q Where? A On Snow Creek.

Q In what nation? A Cherokee Nation.

Q Is Charley married? A No, sir.

Q What is his wife's name? A Her name is Kizzie.

Q How many children has he got? A One.

Q What is its name? A William Vann, she is a girl.

Q These three children, Charley Vann, and Lilah Vann and Sonny Smith are your children? A Yes, sir.

Q Where had Charley lived up to the time he was married?

A Lived out here with me.

Q Where did Sonny live? A He lived out home with me, when he was not working out.

Q Where does Sonny live? A He lives out home with me, when he was not working out.

Q Where does Sonny live now? A I know not where.

BY COM'R NEEDLES:

Q Here, you say you never lived out of the Cherokee Nation?

A No, sir.

Q You were born a slave? A Yes, sir.

Q Is your name on the roll of 1880? A Not as I know of.

Q Why is it not on? A I know when they was taking the census of 1880, Rufus Ross taken them, he come up there, he didn't go up to my house, and mother went out and she come back and got me and when I got up there it was late in the evening and Rufus told me to come back the next morning and met him at Chouteau and he would put my name down and when I went there he was gone.

Q Your name never did get down? A No, sir.

Q Are you married to Murrell? A Yes, sir.

Q Are you on the Kern-Clifton roll? A Yes, sir.

The 1880 Authenticated Roll of Freedmen of the Cherokee Nation examined and names of applicants not found thereon.
The 1896 census Roll of Freedmen of the Cherokee Nation examined and names of applicants not found thereon.

The Kern-Clifton roll of Freedmen of the Cherokee Nation examined and names of applicants found thereon as follows:
Page 170, #4184, Nelson Murrell, Cooweescoowee District;
Page 125, No. 3101, Flora Murrell, no district given.
The Wallace roll of Freedmen of the Cherokee Nation examined and names of applicants found thereon as follows:
Page 127 No. 2672 W. Nelson Murrell, Cooweescoowee District;
Page 128, No. 2689, Flora Murrell, Cooweescoowee District.

BY MR. HASTINGS:

Q You made a statement here about Rufus Hess taking the census roll in 1880? A I don't know what year it was, I don't know as I said when he taken the census.

Q You don't know whether it was in 1880 then or not? A No, sir, I don't.

Q Were you living with Nelson Murrell then? A I was married to Mr. Murrell then living at home with him.

Q Do you remember what year you were married to Mr. Murrell? A No, sir.

Q Do you remember how long after the war? A No, sir, I don't.

Q How old is Charley Vann? A I don't know that just exactly but I think he is along about 33 or 34, I don't know exactly.

Q Where was Charley born? A Born at Big Bend.

Q Big Bend where? A It was up on the Arkansas.

COM' R NEEDLES: Cherokee Nation? A Ut was Cherokee Nation then.

W.W. HASTINGS: It was then? A Yes, sir.

Q Where was Delilah born? A On the Arkansas river.

Q Which is the older she or Charley? A Charley.

Q How much older is Charley? A Oh, I don't know just exactly between two or three years.

Q Where was Sonny Smith born? A He was born up on Bird Creek.

Q Is he older or younger than the other two? A Yes, is the oldest child.

Q Where were you living when the war come up? A I was living at the Big Bend.

Q Were you then a slave? A Yes, sir.

Q Whom did you belong to? A I belonged to Lewis Melton.

Q Did Lewis Melton ever live in the Big Bend of the Arkansas?

A No, sir.

Q Well who were you living with out there? A I was living with my husband.

Q Had you run off? A Yes, sir.

Q How long had you been away from your owner? A About four years.

A Had you been living out there in the Big Bend all the time?

A Yes, sir.

Q You didn't go to Muskogee? A No, sir.

Q Never went outside of the Cherokee Nation? A Well if you call

the strip and one side of the Arkansas river that is where I was.

Q What were you doing up there that four years? A I was

hiding.

Q How did you make your living? A My husband was a hunter and I had friends up there that fed me.

Q What friends did you know up there? A Dude Webber and Skiatook.

Q Skiatook who? A That is all I know I know about him.

Q Was he colored? A He was a Cherokee.

Q Full blood? A I guess he was, he talked Cherokee.

Q Didn't talk any English? A No, sir.

Q He fed you did he? A Yes, sir.

Q Who else? A Wiley Butler.

Q Was he a Cherokee? A Yes, sir.

- Q Did either Wiley Butler or Skiatook have any family? A Wiley Butler had but his wife was dead.
- Q Is any of his family alive now? A I don't know, sir.
- Q Is any of Skiatook's family living? A I don't know.
- Q Did you work for any people out there? A No, sir; you know I was not working for anybody out there and hiding.
- Q What was Dude Webber doing out there? A He was herding cattle out there for his Mistress and I can tell you others that was out there.
- Q What was his Mistress' name? A I don't know what his Mistress' name.
- Q How far were you from her cow ranch? A It was right in the Big Bend.
- Q Did you have a house out there? A No, sir.
- Q Just lived out in the woods four years? A Yes, sir, I lived in a cave.
- Q On what side of the river? A I lived on the west side.
- Q Any towns near? A Not as I know.
- Q You never heard of any town? A No, sir, and I never wanted to see any at that time.
- Q What was your husband's name? A Louin Vann in Cherokee.
- Q He was out with you? A Yes, sir.
- Q Well after the war closed did you come back? A I come right down the river.
- Q In a skiff? A I come back in a wagon.
- Q From what point? A From the Big Bend.
- Q Who brought you? A My husband brought me.
- Q Just you and your husband? A And my children.
- Q Where did you go to? A When I first come back I come down on Pryor Creek.
- Q Is that below here? A I don't know whether it is below here; I think it is below here.
- Q You know where Pryor Creek is? It runs over about 20 miles and I want to know what part of Pryor Creek? A I come down on Pryor Creek to Mr. p I can't call his name just now.
- Q Well how far from Chouteau? A I don't know sir, how far it was from Chouteau.
- Q What town was your nearest town? A When I came back?
- Q Yes. A Wasn't any town there at all when I came back.
- Q Don't remember who you lived with there? A I didn't live with anybody but my husband.
- Q Did you make a place down there? A No, sir, I just went down there to my mother.
- Q What was your mother's name? A Sarah Ross.
- Q How long did you stay there? A I stayed there two or three week and then went to the Verdigris.
- Q And how long was that after the war you made this first trip to Pryor Creek? A I can't tell you just exactly how long that was.
- Q Was that the first trip you made here? A My mother was living at Tahlequah the first trip I made down here I went to Ben Grinnett's.
- Q Where was Ben Grinnett living then? A He was living on Pryor Creek.
- Q Was that in the spring or fall? A It was in the spring, it was getting pretty warm.
- Q Did all of your family go with you? A Yes, sir; didn't have any family but my children.
- Q And your husband? A Yes, sir.
- Q He went with you? A Yes sir.
- Q In a wagon? A Yes, sir.
- Q Where did you get this wagon? A I don't know he went out and got it.
- Q You hadn't it there during the war? A No, sir; you never seen no grocers have wagons and horses about when they run off.
- Q I am asking you where he got it? A My husband got it he went out and got it.
- Q This first trip is when you come down to Ben Grinnett's?

A Yes, sir.

Q How long did you stay? A I stayed all night.

Q How long did you stay? A I went back to my cave.

Q How long did you stay there? A I don't know ~~exactly~~ how long I stayed there when I went back.

Q Well did you stay there a year? A I might stayed a little longer than a year.

Q That was after the war? A Yes, sir.

Q Did you see anybody on your trip down to Ben Grimmer's

A Oh, I seen some Indians but I didn't stop to have any chat with them.

Q Did you see any colored people? A Yes, sir.

Q Well who? A I didn't stop.

Q Where did you see any houses? A Along the road between there and Caney along.

Q Caney that is up by Bird Creek? A Yes, sir.

Q Houses along there? A Yes, sir.

Q People living in them? A Yes, sir, I seen some children.

Q Well, now, where did you go to from your cave after you returned there? A The last time?

Q Yes. A I went down to Pryor Creek, mother had moved there and I went down there.

Q And then how long did you stay down there? A I stayed about two or three years.

Q That was two or three years after the war? A I said weeks, weeks is weeks and years is years.

Q About how long after the war was that when you went down to visit your mother? A Well, I don't know just exactly, I think it was about two or three ~~months~~ years.

Q That is your best judgment? A To the best of my knowledge.

Q You stayed there then two or three weeks did you?

A Yes, sir.

Q And then where did you go? A I went back to my place up on the Verdigris.

Q Was your husband alive then? A Yes, sir.

Q Did he move up on the Verdigris with you? A Yes, sir.

Q Where did he die? A He died at Pryor Creek.

Q When? A About five or six months after we got in.

Q And you afterwards married Nelson Murrell? A Yes, sir.

Q Is any of that family, Melton's family, alive that you belonged to before the war? A There was, I guess you had my young Mistress before you, had Nancy Sage.

Q Is she your young Mistress? A Yes, sir.

Q Was she the daughter of Melton? A Daughter.

Q Did he have any other children? A Oh, yes, he had a house full.

Q What was their names? A Betsy, Nan, Mary and Catherine, and George, Ed, Nose and Susie.

Q Where were they living when you run away? A Verdigris.

BY COM'R HILLER:

Q Flora what was your father's name? A Sonny Brown.

Q What was your mother's name? A Sarah Rose.

Q You were a slave? A Yes, sir.

Q Where is this Big Bend you have been talking about?

A Up on the Arkansas River.

Q Is it in the Cherokee Nation or Kansas? A In the Cherokee Nation.

Q Is it on what is known as the Cherokee strip? A No, sir, what is what is known as a Cherokee strip as I understand it.

Q That was in the Cherokee Nation? A Yes, sir.

Q This cave was in the Cherokee Nation? A Yes, sir.

Q You never went over to Kansas hiding then? A No, sir.

Q You say you went there three or four years? A Yes, sir; I run away four years before the war.

Q Did your owners ever hunt you up? A I guess they did, they had a reward out for me.

Q They never found you? A No, sir.

(Remainder of application taken by stenographer M. D. Green.)

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J.O. Rossen, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(signed) J.O. Rossen.

Subscribed and sworn to before me this 12th day of June, 1901.

(signed) T.B. Needles,
Commissioner.

Continuation of this case from notes taken by stenographer J.O. Rossen, this day.

Department of the Interior,
Commission to the Five Civilized Tribes,
Chelsea, I.T., June 6, 1901.

In the matter of the application of Nelson Murrell for the enrollment of himself and wife, Flora, as Cherokee Freedmen; BOB WEBBER, being sworn and examined by Commissioner Needles, testified as follows:

Appearances:

Smith, of Mellette & Smith, for applicants;
W.W. Hastings, for the Cherokee Nation.

- Q What is your name? A Bob Webber.
Q Where do you live? A On Lightning Creek.
Q In what district? A Coowescoowee District, Cherokee Nation.
Q What is your post-office? A Hayden.
Q How long have you lived in the Cherokee Nation? A All my life, raised here.
Q How old are you? A Must be about 65.
Q Do you know Flora Murrell? A Yes sir.
Q How long have you known her? A I have knowed her ever since I was a boy.
Q You knew her before the war? A Yes sir.
Q Do you know whether she was a slave or not? A Yes sir.
Q Do you know who she belonged to? A Lewis Melton.
Q Was he a Cherokee Indian? A Yes sir.
Q A citizen of the Cherokee Nation? A Yes sir.
Examined by Cherokee Representative, W.W. Hastings:
Q How long before the war did you know her? A Long time, ever since I was a boy.
Q You knew her when the war come up? A Yes sir.
Q Where was she then? A She was out on the Big Bend of the Arkansas.
Q Were you out there then? A I was out there, before the war.
Q How long before the war? A It must have been four years before the war.
Q That's the last time you saw her? A Yes sir.

Examined by Attorney Smith:

- Q When did you first see her after the war? A I met her down here on Pryor's Creek after the war.
Q How long after? A It must have been about four years after the war.

Examined by Commissioner Needles:

- Q Did you know her owner? A Lewis Melton, yes sir, he had a mill down below Tahlequah there, and I used to go to the mill.
Q He was Flora's owner? A Yes sir.
Q Did you see her there then? A Yes sir.
Q Did you see her on Big Bend before the war? A Yes sir.

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Q How far was that from her owner's place to Big Bend? A About twenty miles.

Q Was she living there on the Big Bend? A Yes, sir, she was scouting.

Examined by Cherokee Representative, W.W. Hastings:

Q Living in a house? A No sir, she wasn't in no house.

SAM WEBBER, being sworn by Commissioner Needles, testified as follows:

Examined by Attorney Smith:

Q State your name? A Sam Webber.

Q What is your post-office? A Nowata.

Q How old are you? A About 58 as well as I can guess at it.

Q Where do you live? A I live two miles west of Nowata.

Q How long have you lived in the Cherokee Nation? A I was born and raised partly here, and then come back in '66 and have been here ever since.

Q You know Flora Murrell, the wife of Nelson Murrell? A Yes sir.

Q How long have you known her? A Ever since I could remember myself.

Q Was she a slave before the war? A Yes sir.

Q To whom did she belong? A Lewis Melton.

Q Was he a Cherokee Indian? A Yes sir.

Q When did you last see her before the war, how long before the war? A Well just about the time the war was coming up, we went up to where they lived. They had a ranch up there, my old missus had a ranch and they always sent us up there to gather up cattle.

Q Your old stress had a ranch? A Yes sir.

Q How far did you live from there? A We lived near Tahlequah at the Double Springs, but we would go up there every year to gather up the cattle.

Q How far did you live from the ranch? A I couldn't tell you, it would take us about two days travel to go there where the ranch was, but the miles I couldn't tell you.

Q Where was this you saw Flora when you saw her? A The last time?

Q Yes? A She was in the Big Bend of the Arkansas.

Q How far was that from where Lewis Melton, her owner, lived?

A I don't know exactly, some ten or twelve miles, I guess, maybe little farther, I couldn't tell exactly.

Q That was the last time you saw her? A Yes sir.

Q When did you first see her after the war? A I don't know just what year really, but then it was along some three or four years I judge after the war when I met her again.

Q Where did you see her again? A On Big Creek here.

Q How far from here? A It is about nearly 15 miles, I judge.

Q Who did she come there with? A Man named Lowan Vann.

Q What relation did he bear to her? A He was her husband.

Examined by Cherokee Representative, W.W. Hastings:

Q How old are you? A I am about 58, as far as I could remember, I don't know exactly my age.

Q You were about 17 years old when the war came up, or 18?

A I was big enough to ride around and herd cattle.

Q Who went up there to this ranch with you? A Bob Webber and Dugh Webber.

Q Bob was along at the time you saw this party, this Bob that was a witness here awhile ago? A Yes sir, he was older than I was.

Q He would know dates better than you would about that time?

A I don't know about that.

Q You didn't tell anybody about seeing this party up there, this woman? A I was afraid to.

Q You didn't tell your owners? A No sir.

Q You didn't tell your people? A Told my parents.

Q But you didn't tell anybody else about seeing her up there?

A No sir.

Q You didn't testify for her five years ago, you didn't tell it then did you? A No sir.

Examined by Commissioner Needles:

Q You know that all right? A Yes sir, I know that all right.

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Q You knew she was a runaway? A Yes sir, I knowed that all right enough.

Q But you didn't go and tell her owners where she was? A No sir.

Com'r Needles: Nelson Murrell applies for the enrollment of himself and wife, Flora; they are both duly identified on the Kerne-Clifton and the Wallace rolls; but they cannot be identified upon the authenticated roll of 1880 or the census roll of 1896; they make satisfactory proof as to residence, - by reason of the fact that their names are not upon the authenticated roll of 1880, and because of the protest of the Cherokee Nation, said Nelson Murrell and his wife, Flora, will be duly listed for enrollment as Cherokee Freedmen on a doubtful card; they will be duly notified by mail of the decision of the Commission when arrived at.

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M.D.Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(signed) M.D.Green.

Subscribed and sworn to before me this June 8, 1901.

(signed) T.B.Needles,

Commissioner.

File with Cherokee Freedman D-546, Nelson Murrell.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, Ind. T. October 19, 1901.

In the matter of the application of Nelson Murrell et al.
for enrollment as Cherokee Freedmen.

Testimony introduced on behalf of Cherokee nation.

Appearances:

Mellette & Smith, of counsel for applicants;

J.S.Davenport, of counsel for Cherokee Nation.

R.M.ALLEN, being duly sworn by Commissioner Needles, testified as follows:

Mr.Davenport: What is your name? A R.M.Allen.

Q Where do you live, doctor? A I live north about a mile of Coody's Bluff, when I am at home.

Q What is your post-office? A Coody's Bluff.

Q How long have you lived in the Cherokee nation? A Ever since 1868.

Q Where did you live prior to coming to the Cherokee nation? A I was in Baxter Springs.

Q When you came to the Cherokee nation in '68 to what point did you come? A Down on what is known as the Journeysake Prairie.

Q Are you a citizen of the Cherokee nation? A Yes, sir, so recognized.

Q By blood? A By adoption, or marriage.

Q To a Cherokee? A To a Delaware.

Q How did you come to the Cherokee Nation before or after the Delawares came down here? A Afterwards.

Q Do you know the applicant in this case, Nelson Murrell? A Well I met the old gentleman to-day, that is the first acquaintance that I have with him.

Q Where were you in '68 after you came down to the Cherokee Nation? A I was on the Journeysake Prairie.

boarding with old man Journeycake.

Q How far was Journeycake living south of the Kansas line at that time? A Said to be about 24 miles.

Q Well was you out over that country or back and forth to the Kansas line any in the neighborhood of Snow Creek? A Yes, sir.

Q Who was living along ne ar Snow Creek at that time? A The last house going to Snow Creek from journeycake's was this man Little Buffalo.

Q What was he? A He was a Delaware.

Q Where was the first one, or how many houses along there? A After you left old man Journeycake's, the first house would be the Widow Goodtraveler, and the next would be Jim Wilson, the next house a man by the name of John George lived there, and the last house right on the road was a man by the name of Little Buffalo.

Q Were you out over the country around Snow Creek during that year?

A What year, '68?

Q Yes, that is the year you said you came down? A No, I don't think I was any that year.

Q Well, was you the next year? A Yes, in the fall of '69 I made a trip to the Kansas line.

Q To what point in Kansas did you go? A Well they was going to built this town called Parkersburg, and I went up there, thought maybe I would buy some lots, me and old man Journeycake, and one Daniel R. Hicks, and we went right up the Verdigris Valley.

Q On what side? A East side, and I crossed Snow Creek right where it ran into the river, there was a man lived there, or was living there the last time I was there, by the name of Singleton, I didn't know him.

Q Now how from the Kansas line is it to where Snow Creek empties into the verdigris River, or about how far? A I don't know, four or five or six miles, I don't know how far, it is got a great ways.

Q Do you know whether or not Snow Creek heads in the Territory or Kansas? A I have heard it said it did, but I never followed it.

Q You never saw the applicant, and have been acquainted with him?

A I dont remember the old gentleman till to-day I met him and some man introduced me to him, Sam Webber I believe.

Q Was there any colored people living there on Snow Creek? A I didn't see any on that trip.

Mr. Smith: What did you say your name was? A Allen.

Q Doctor Allen? A Yes, sir.

Q Are you a physician? A Yes, sir.

Q What Physician and surgeon? A Yes, sir, I followed it awhile, I graduated at the Rush medical College in Chicago in '65.

Q Well do you practice medicine out there now? A Well just a little, not much.

Q You went there when? A I landed at old man Journeycake's house on the 28th of July, 1868.

Q Is that on Snow Creek? A No, sir.

Q How far was that from Snow Creek? A Fifteen or twenty miles.

Q Then how long was it from that time until you were on Snow Creek?

A I went on Snow Creek in the fall of '69.

Q How long is Snow Creek? A I don't know.

Q Well, did you go all up and down Snow Creek from one end to the other? A No, sir, crossed Snow Creek, didn't go up nor down it.

Q Then where were you going to? A I was going to the Kansas line where they were going to built that town called Parkersburg.

Q Did they built it? A They did, afterwards.

Q How long afterwards? A The next time I was there they had quite a town there.

Q How long was that? A Might have been a year or eighteen months, might be not so long, I think I went up there, if I remember right, the 28th day of May, the next spring.

Q Well, did they have any town layout? A I saw some lumber along down there.

plat, Q Did they have any town plat? A I never heard of it.

Q Did they have any town plat? A I never heard of it. Q Did you inquire? A Yes I inquired about it, but I couldn't find any man that could give me sufficient news about

it to purchase any lots.

Q Did you buy any lots? A No, sir, I didn't.

Q Did you ever buy any in Parkersburg? A No, sir, never did.

Q What did you go back for the second time? A Well sir, the next time, next May I thought I would go back and buy my household utensils.

Q Did you buy them? A I did.

Q How far was it from Journeyoke's where you started to Parkersburg? A Oh it is 25 or '6 miles.

Q And in what direction was Parkersburg from Journeyoke's? A Well sir, it is north, and I believe a little west.

Q How far was Parkersburg from the Kansas line? A Well, they didn't know where the line was in that day.

Q They didn't know? A Not then they didn't.

Q How far is it from where the Kansas line is now? A Well I suppose three or four miles, I never heard anybody say.

Q How you started in the fall of 1869 from Journeyoke's, did you? A Yes, sir.

Q Where did you? A I started from home.

Q Where did you live? A I lived up at Goodys Bluff.

Q How far was that from Journeyoke's? A About four miles.

Q In what direction from Journeyoke's? A North.

Q Then you started from four miles north of Journeyoke's in the fall of '69 to go to Parkersburg? A Yes, sir.

Q How did you travel? A I went horseback.

Q And was there a road to travel? A No, there was no road.

Q Wasn't any road? A No, I didn't follow any road.

Q Then did you cross Snow Creek? A Yes, sir, I crossed it.

Q Once or more than once? A I only crossed it once going up.

Q And coming back once? A Yes, sir.

Q Where did you cross it? A I crossed it going up tolerably close to the river at a place where a fellow named Singleton lived afterwards.

Q Well, how far was that from the Kansas line? A I don't know, four or five miles I guess, I think Snow Creek is about that distance from the Kansas line.

Q Well, it isn't the same distance from the Kansas line all the way along, is it? A I don't know, I never followed up the Creek.

Q You don't know anything about the community below where you crossed it above where you crossed? A No, sir.

Q All you know is just the place you crossed? A Yes, sir, where I crossed at.

Q Well traveling in the direction that you were going you came right into right angles with the Creek? A I kept right up the river valley on the east side of the river till I struck the creek.

Q And crossed the creek? A Yes, sir.

Q You didn't have to follow the Creek? A No, I didn't follow the Creek.

Q You just simply crossed Snow Creek in 1869? A Yes, sir.

Q Well now then you are not prepared to say that this applicant, Nelson Murrell, wasn't living on Snow Creek in '69? A I am prepared to say I didn't see any houses nor farms in the travel.

Q But you say you only touched Snow Creek at one point? A That is all.

Q And there wasn't any houses right there? A Wasn't any houses in sight, I didn't see any houses.

Q Up or down the creek? A No, sir.

Q If there had been a house a quarter of a mile up the Creek or a quarter of a mile down the Creek you couldn't have seen it?

A Yes, sir, if a house had been out on the Prairie a quarter of a mile from me these days I could have seen it.

Q Under favorable conditions you could have seen it? A Yes, sir.

Q That is all you know about this matter, is it? A Yes, sir.

SIMON LOVE, being duly sworn by Commissioner Needles, testified as follows:

Mr. Dayenport: What is your name? A Simon Love.

Q Where do you live? A Claremore.

Q How long have you lived in the Cherokee Nation? A Ever since '68.

Q Are you a Cherokee or a Delaware Indian? A Delaware.

Q Did you come to the Cherokee nation before or after the treaty made with the Delaware and the rest? A After.

Q What was your father's name? A My stepfather's name was Buffalo.

Q Well, did he have any English name? A Little Buffalo they called him.

Q Did your father move to the Cherokee nation when you did, or was you a child at that time and came with him? A I came with my stepfather and mother.

Q What was your stepfather's name? A Little Buffalo.

Q Well, when you came to the Cherokee Nation, to what point in the Cherokee nation did you come? A We came on Cedar Creek, about fifteen miles from Coffeyville, Kansas.

Q On what side of the Verdigris River did you locate? A The east side.

Q How far from what is known as Snow Creek? A Six or seven miles I should judge.

Q Do you know, and did you know at that time, where Snow Creek empties into the Verdigris River? A Yes, I don't know exactly where it empties, then.

Q Had you ever been on Snow Creek? A Yes, sir, I had been on Snow Creek, but I had not been to the mouth of the Creek.

Q When you located in '68 on Cedar Creek did you make any trips or anything up and around Snow Creek? A Yes, sir, we used to go up Snow Creek going to trade up there on Pumpkin Creek in Kansas, we did out trading up there, a man by the name of Lushbaugh kept a store.

Q Who was living on Snow Creek at that time? A I don't remember that there was anyone living there.

Q Was there any houses there? A There was one house there that I can remember, a carpenter that built our house lived there, a man named Baker, in the fall of '68 he built our house.

Q Do you know the applicant in this case, Nelson Murrell? A Yes, sir.

Q Well, how long have you known him? A I just can't tell how long.

Q Do you know where he lives now? A Yes, sir.

Q Well where does he live now in regard to where that fellow Baker lived at that time, how far? A He was right south, right at the edge of the flat, Snow Creek and Verdigris flat is where Baker lived when I went after him to come and build our house? A I think that was in the fall of '68.

Q Where does the applicant live with reference to that? A Right north of it.

Q About how far? A I can't tell you how far.

Q Do you know how far; that is what I am trying to get at; have you ever been to his house? A No, sir, never was at his place.

Q You don't remember then how long it has been since you knew this applicant, Nelson Murrell? A No, sir, don't remember.

Q Well, was there any colored people living around that section of the country that you saw when you went up to Baker's? A Yes, sir.

Q Did you ever get acquainted with a family of Littles, Steve Little's family? A Yes, sir.

Q Where were they living? A Living on Snow Creek.

Q What part of Snow Creek with reference to where it empties into the Verdigris River? A I should judge about three quarters of a mile or a mile I should judge of the mouth; of course I have never been to the mouth of Snow Creek.

Q When did they come in there and locate, if you know? A I don't know when they came in.

Q Well, how long have you known that family? A Well I have known them quite a while.

Q Well, did you get acquainted with them immediately after you came in there? A Yes, sir.

Q Well, where were they living with reference to the locality of where Baker was living, when you got acquainted with the Little family? A They lived southeast of where Baker lived.

Q Well, did they live nearer the river than Bahr did, or farther away from the river than Bahr? A I think they lived a little farther away, a little farther east.

Q How long since you have been in that locality? A I haven't been in there quite a while, I don't know really.

Q I believe you stated you came down after the Delaware made the treaty with the Cherokee, or before, which was it? A Afterwards.

Q Did you come the same time the Delaware came, or did your father move the same time they came? A Same time, his was the first train that came down.

Mr. Smith: Mr. Love, you and your family were among the first Delaware that came to the Cherokee Nation after the Delaware made the treaty with the Cherokee Nation? A Yes, sir.

Q And you have lived in the Cherokee Nation ever since? A Yes, sir.

Q Where? You are a citizen of the Cherokee Nation? A Yes, sir, only what time I have been out to school I didn't live here.

Q Well now at what place did you locate when you first came here, your family? A Right near the mouth of Cedar Creek.

Q How far was that from the Kansas line? A On a straight line about eleven or twelve miles.

Q What direction? A South.

Q Into what stream did Cedar Creek empty? A The Verdigris.

Q Into what stream did Snow Creek empty? A The Verdigris.

Q Were you ever at the place where Snow Creek empties into the Verdigris? A No, sir, I never was right at the mouth of the creek.

Q About how far north of the mouth of Cedar Creek was the mouth of Snow Creek? A Well straight through, it is about seven or eight miles.

Q The way the roads ran how far was it? A I should judge about that, the road ran pretty straight through.

Q Well, did you have a house to live in when you first came there? A No, sir.

Q What season of the year did you come to the nation? A February.

Q When did you get a house? A Got a house the next fall; that is, a man built our house.

Q How old were you when you came here? A I was about 13.

Q Where did you remain during the months from February until you got your house built the following fall? A Right there at home.

Q Now you know this old man Nelson Murrell? A Yes, sir.

Q And you have known him a long time? A Quite a while, I can't remember just what time.

Q A great many years? A I can't remember how long.

Q Been so long you can't remember when you first did know him? A Been fifteen or twenty years.

Q Been longer than that, hasn't it? A I don't think it has.

Q How long has it been since you first came down here? A I came here in '68.

Q Well, how many years? A 33 years.

Q Well, how about how long have you been knowing old man Nelson Murrell? A I should judge about fifteen or twenty years; when my mother died I left there, went to old Mrs. Connor's.

Q How many years was that after you came down to the Cherokee Nation that you went to Connor's? A About '71.

Q About that? A Yes, sir.

Q You had been in that Cedar Creek country then only two or three years when you left there? A Yes, sir, that was all.

Q You were still a boy when you did leave? A Yes, sir.

Q Now you didn't go, while you were up there, to the mouth of Snow Creek, where it empties into the Verdigris? A No, sir.

Q You know how long Snow Creek is? A No, sir.

Q You know how far it is from the mouth of Snow Creek to the point where Snow Creek enters Kansas, or the Territory from Kansas? A No, I have no definite idea, about five or six miles though.

Q You don't know, you never were up the Creek then from the mouth of the Creek up to the Kansas line? A Only right there along the road where I crossed Snow Creek.

Q Now where would you be going when you would cross it? A Well,

up in to Kansas.

Q To what point? A A place they called Clymore, on Pumpkin Creek, a trading point, or post.

Q Now what was the nearest town of any note to you in the Cherokee Nation, store or postoffice, or anything of that sort? A There was none.

Q How far did you live from the mouth of Cedar Creek? A About a mile, not quite.

Q Then you were about a mile from the Verdigris? A Yes, sir.

Q And about a mile from the place where Cedar Creek enters the Verdigris? A West of where it enters the Verdigris, it makes a bend there.

Q When you had to go to Kansas, what direction did you travel? A North.

Q In what direction did Snow Creek run? A Well I think it ran northeast, that is, it headed northeast and ran southwest I think.

Q Well, it was more or less of an east and west course, wasn't it now? A Yes, sir, southwest and northeast.

Q Well did you go anywhere else, have occasion during the time you lived there to go any other place except Clymore in Kansas?

A Well I went after that carpenter that built the house.

Q I mean outside of the carpenter and Clymore? A No, sir.

Q So when you went to Clymore you crossed Snow Creek? A Yes, sir.

Q Do you know how far you crossed it from the mouth? A I judge about a mile and a half, it is what they call now the Reed Crossing, Duman Reed Crossing.

Q Now do you know how far that is from the mouth of Snow Creek?

A I should judge about a mile and a half or two miles.

Q Or two, and might be farther? A Might be, I don't know where the mouth is, I never was at the mouth of Snow Creek.

Q Now then when you were traveling from where you lived to Clymore, you just simply came to it again and crossed it? A Yes, sir.

Q Now then you can't swear Nelson Murrell didn't live on Snow Creek at the time you crossed? A I didn't see any houses.

Q You can't swear he didn't live there? A No, I can't.

Q You can't swear there wasn't a house there? A I don't think there was a house there.

Q Except at the place you crossed? A There wasn't any houses there.

Q How about a mile up the Creek or a mile down the Creek? A That I can't tell.

Q You don't know, do you? A No, I don't think there was any house.

Q Don't think, I want to know what you know; can you state upon your oath that there wasn't a house a mile up the creek or a mile down the creek? A No.

JOHN SECONDINE, being duly sworn by Commissioner Needles testified as follows:

Mr. Davenport: What is your name? A John Secondine.

Q Where do you live? A Up at White Oak.

Q That your post-office? A Yes, sir.

Q How long have you lived in the Cherokee nation? A I believe I have lived here about 34 years; since '68.

Q What is your nationality, are you a Cherokee or Delaware? A I am a Delaware.

Q Did you come to the Cherokee Nation before or after the treaty was made with the Cherokee Nation and Delawares? A Well I came here a year before they moved down here.

Q Well, what year was that in? A When I first came here, that was in '67, in August.

Q Well, when you came to the Cherokee nation in '67 in August, to what point did you come? A Well we came up there about Snow Creek.

Q Well, what part of Snow Creek? A I guess it must have been about three miles above the mouth of Snow Creek.

Q Who was living there at that time, if anyone? A Well I didn't

see anybody living there at all.

Q How long did you stay there? A Well, we stayed there as much as a week or ten days some was along there.

Q Was there any houses around there? A No, sir.

Q Well, were you up and down the Creek any, or did you just camp and stay in one place? A We looked all around the country there, down the Creek, in fact we traveled all around the country there looking at the country.

Q Any houses at all that you found? if so, where were they and who was living in them? A No, sir, never saw any houses.

Q Were you down the Creek to where it empties into the Verdigris?

A Yes, sir.

Q You went up the Creek above where you camped, did you not, towards the Kansas line? A Went up pretty near the head of the Creek it is pretty much all prairie up there.

Q Do you know the applicant here, Nelson Murrell, that old gentleman (indicating applicant)? A I have seen him.

Q Was he living there on Snow Creek when you were down there in '67? A I didn't see him, I didn't see anybody, there was no settlement there.

Q You went up and down the Creek you say? A Yes, sir, there was no settlements there.

Mr. Smith: You live out here close to Vinita now? A Yes, sir. I live at White Oak.

Q About how long have you been living there? A I have been living there 16 years I believe.

Q You related in any way to Journeycane? A Yes, sir.

Q What relation? A Second cousin I believe.

Q How far did you live, when the Delawares first came down in the Cherokee Nation, from Journeycane? A I lived six miles above, north six miles north of Journeycane's? A Yes, sir.

Q How far from the Kansas line? A That is about twenty miles, somewhere along there, I guess.

Q How far is it to the town they started up there in Kansas called Parkersburg? A Let's see, I guess it is close onto twenty or twenty-three quarters of a mile.

Q What direction, west, or north? A East.

Q How far was that from the mouth of Snow Creek? A It must be about twenty miles.

Q Twenty miles from the mouth of Snow Creek? A Yes, sir.

Q Do you know a family in there by the name of Love? A Yes, sir.

Q Where did they live? A They lived up there below Cooseneck Bend, that they call now.

Q Up close to Verdigris river? A Well they were right there in the edge of the bottom, they lived right in the bottom when they first came down here.

Q How far from the Kansas line? A I guess it must be about ten or twelve miles.

Q How far from you? A Oh about 10 miles.

Q In what season of the year did you arrive in the Cherokee Nation? A Well I think the 9th of February.

Q Who did you come with; that is, I mean your own immediate family, your father? A No, my mother.

Q Well, where did you live when you first came here; did you have a house? A No, sir, I didn't build any house that spring, after we got here we stopped over until grass came up in the spring of '68.

Q And then built a house? A No, I didn't build any house then, we moved over to Grand River that spring and made a cropper there.

Q How far from this place on Verdigris? A This was on Grand River. It is about forty miles.

Q Now if I understand you, you came on the Verdigris River about '67? A I want you to understand this; we didn't move down in '67, I came down here to look at the country.

Q Then what did you do? A I went back to Kansas.

Q How long did you stay? A Well, we stayed a year.

- Q It took you a year to look at the country? A No, we stayed about two months here.
- Q When, in '67? A Yes, sir, two months on the Verdigris.
- Q About twenty miles below the mouth of Snow Creek? A No, we stopped up there about ten days on Snow Creek.
- Q Well, when did you stop on Snow Creek? A In '67.
- Q What time? A In August.
- Q In August, '67? A Yes, sir, I don't remember the date, but it was in August.
- Q Well, about what point on Snow Creek did you stop? A Well about three miles above the mouth of it.
- Q And then you came on down about twenty miles below the mouth of Snow Creek on Verdigris? A Well, we camped on down, we would stop and camp a week or so and then move on down a piece.
- Q Then you was coming how long altogether, about two months? A Two months.
- Q Then you went back to Kansas? A Yes, sir.
- Q How long did you stay in Kansas? A We stayed till- I left there in February, about the first of February.
- Q What year, '68? A '68.
- Q Where did you go? A Came down to re.
- Q To Grand River? A No, sir, we came on down the same route, we came when we came the first time.
- Q How long did you stay in that part of the country where you first came to? A Well about two months.
- Q About what time was it when you moved out of that neighborhood? A It was about along in the first of April, somewhere along there.
- Q Then did you move to Grand River? A Yes, sir.
- Q That was 35 or 40 miles away? A Yes, sir.
- Q Were you back in there at any time soon? A I came back again before Christmas.
- Q Back in there again? A Yes, sir.
- Q Where were you then? A I was over there about Cuddy's Bluff.
- Q Up about Snow Creek? A No, below there.
- Q Well, how far is it, do you know, from the mouth of Snow Creek to where Snow Creek enters the Territory, the Cherokee Nation? A Well I can't exactly tell, it is not very far.
- Q Well not guessing at it, but stating it from your absolute knowledge, do you know? A How far from the Kansas line; well there used to be two miles, there was a two mile strip there a while back, and the last line they made was, I guess it must be about three miles I guess from the line.
- Q You mean the mouth of Snow Creek? A Yes.
- Q Then you camped right exactly on the Kansas line? A No, sir.
- Q I thought you said you camped three miles from the mouth of Snow Creek? A Up Snow Creek.
- Q Well there wasn't any more Snow Creek after it ran into the Verdigris, was there? A No, I guess not.
- Q It has to be up Snow Creek if it was anywhere? A Yes.
- Q Well you said you camped three miles from the mouth of Snow Creek? A Yes.
- Q Then you were right exactly on the Kansas line, weren't you? A No I was right east; Snow Creek runs kinder east, kinder of a northeast.
- Q Well, wasn't there anybody living on Snow Creek at all? A No, sir, I didn't see anybody to my knowledge, there wasn't anybody living there.
- Q Well, there was a carpenter living there that built this fellow Love's house? A The Delawares never moved here till '68.
- Q You said you were back there in '68; what I am asking you about, you were back there in '68, were you on Snow Creek then? A I think I was there.
- Q Wasn't anybody living there? A I didn't see any; I didn't stop then, only just I was on the road, I didn't stop to look around like I did the year before.
- Q Well you don't know when this carpenter that this other witness got up there to build his house, built his house up on Snow Creek, do you? A No, sir.

Q Can't say that wasn't there in '68 though, can you? A No, sir, can't swear it wasn't there.

Q Can't swear it wasn't there in '67? A Well sir I don't believe it was there.

Q You don't believe it was, but you don't know? A Because I didn't see them, there was no settlement there.

Q All you know is you didn't see any houses there? A It would have to be a pretty small house if I didn't see it.

Q Well, they didn't build brown stone fronts, five story houses up there in that time? A No, sir, they built cabins.

Q What was it along Snow Creek, timber or prairie? A There is some timber there.

Q You could stick a little cabin around there most anywhere, couldn't you; well that is all you know about it, Mr. Secondine, that you didn't see a house there; you can't say that Nelson Murrell didn't have a house there; and you can't say he wasn't living there when you first went there, positive, upon that date? A I didn't see anybody and didn't see any houses.

Q But you can't say he wasn't there? A No, I can't say he wasn't there, but I didn't see any houses, and didn't see anybody, no colored people.

HENRY MELTON, being duly sworn by Commissioner Needles; testified as follows:

Mr. Davenport: What is your name? A Henry Melton.

Q Where do you live? A I live up on Snow Creek.

Q How long have you lived up on Snow Creek? A Well I don't know now, I had a man to figure up how long I had been on Snow Creek, I have been on Snow Creek 27 years, the way he figured it.

Q Do you know the applicant here, Nelson Murrell? A Knewed him all the days of my life.

Q Was he living up there when you lived up there? A Yes, sir.

Q Near what place, how far is he living from where Snow Creek empties into the verdigris? A Go right straight through the flat, it is about two miles I think to the mouth of Snow Creek.

Q Where were you living when the war broke out? A Living on Bird Creek.

Q You know where Nelson was? A Yes, sir.

Q Was he there with you? A No, sir, he was down here to Park Hill.

Q Do you know of your own knowledge, or how do you know where he was when the war broke out? A Yes, sir, I know, because I used to go from Bird Creek down there.

Q How long before the breaking out of the war had you been down there? A I don't know, I can't tell.

Q Well, had it been a year or two years or six months; what do you think about it; I want to get the facts there, about how long it had been before the war came on? A I can't tell you.

Q You and Nels belonged to the same man, did you, before the war? A My mistress' daughter married Uncle Nels's young master, John Nave.

Q Who did Uncle Nels belong to when he went by the name of Murrell? A George Murrell.

Q Is that the same George Murrell that lived in Virginia part of the time and he re part of the time? A I guess that is the one; I don't know it.

Q I will ask you if it is the same Murrell that lived near Park Hill at the spring, the big spring on the road there going out towards Waggoner from Park Hill? A Yes, sir.

Mr. Smith: I object to that, because it is leading.

Q Did you know Clara? A Yes, sir.

Q Do you know whether or not she is the wife of Nelson Murrell now? A Yes, sir.

Q Who did she belong to? A Belonged to Lewis Melton, he raised both of us.

Q Where was Chiora when the war came on? A I don't know where she was.

Q Was she there at home? A No, sir, she wasn't here when the war broke out, she went off.

Q Well, did she just go off of her own accord, or do you know about that? A No, she run off.

Mr. Smith: This Chiora Murrell was owned by the same man that owned you, you say? A Yes, sir.

Q What was his name? A Lewis Melton.

Q Was he a citizen of the Cherokee Nation? A Yes, sir.

Q And he was living in the Cherokee Nation at the time the war commenced? A Yes, sir.

Q And Chiora Murrell had run away from him and you don't know where she was? A Don't know where she was.

Mr. Davenport: Do you know who she run off with? A Yes, sir, my women will tell you that.

Taking of testimony continued by Stenographer, J.O. Rossen.

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) Bruce C. Jones.

Sworn to and subscribed before me this 8th of November, 1901.

(Signed) T.B. Needles,
Commissioner.

.....
October 19th, 1901.

Taking of testimony in matter of the enrollment of NELSON MURRELL, ET. AL., C.F. D-#248, continued. Former portion taken by Stenographer Bruce C. Jones.

APPEARANCES:

Mr. Smith, of counsel for applicants;

Mr. Davenport, of counsel for Cherokee Nation.

MINTIE MELTON, being duly sworn by Commissioner Needles, testified as follows on part of Cherokee Nation.

MR. DAVENPORT: What is your name? A Mintie Melton.

Q Where do you live, Mrs. Melton? A On the Verdigris.

Q How long have you lived in the Cherokee Nation? A Here in the Nation all my life.

Q You know the applicant, Nelson Murrell? A Yes, sir, I know him.

Q Do you know his wife? A Yes, sir.

Q How long have you known her? A I knowed her a little while, I knowed her in slave time, before the war.

Q Well, do you know where she was when the war broke out?

A No, sir, I don't.

Q Did she belong to the same parties that you belonged to?

A No, sir.

Q How far did she live from you before the war, you were slaves when you first knew her? A Yes, sir.

Q Was she a slave of the same parties you were? A No, sir.

Q How far did she live from you? A 12 miles I think.

Q Well, you say you don't know where she was when the war broke out? A No, sir.

Q Had she left that country or not? A I don't know where she went; I guess she went off I reckon, I don't know anything about where she went.

Q What was your father's name? A His name was Robert Vann was his name.

Q Where was he when the war broke out, do you know? A I seen him after he come back from Kansas.

Q About when did you see him? A When did I see him?

Q Yes? A I can't tell exactly when it was.

Q Well, have you seen Nelson's wife after you come back after the war? A This lady he has got now?

Q Yes. A ~~That~~ No, sir, they lived up here.

Q I mean since you have moved up in this country? A Yes, sir.

Q Is she the same woman you knew before the war? A Same woman.

Q And you say you didn't know where she was? A No, sir.

Q Was she with her owners that owned her when the war broke out? (No response.)

Q Was she at their home? A Well, I don't believe she was right at home.

Q Do you know where she was or what became of her? A I don't know where she was.

Q Do you know how she come here, what the circumstances of it was? A I guess she went off.

Mr. Smith: I object to what she says.

Witness: She lives with Lewis Melton and I live on Caney.

Q Isn't it a fact that your father and she ran off and left this country before the war broke out?

Mr. Smith: I object to the question, if the Court please, because it is leading, and the applicant says she does not know.

Com'r Needles: Let the objection be entered.

A She was at home and I was at home; I don't know where she went to and I never visited there.

Q Wasn't it understood by you that she and your father ran off together before the war and left the country?

Mr. Smith: I object to that.

COM'R NEEDLES: You know whether your father and she went off together? A I guess so; they lived at Melton's and I lived at home.

MR. DAVENPORT: You don't know whether they were living at Melton's when the war broke out or not, do you? A No, sir.

MR. SMITH: How far was it from where Lewis Melton lived to where you lived? A 12 miles.

Q You don't know what took place when the war broke out? A No, sir.

Q You don't know where she was when the war broke out? A No, sir.

HENRY MELTON, recalled further testified:

MR. DAVENPORT: Henry, what was your wife's father's name, do you know? A Robert Vann.

Q Did he belong to the same man you did? A No, sir.

Q Did you ever know him before the war? A Yes, sir; he was living with Joe Vann.

Q Did Nelson Murrell's wife belong to the same party that you belonged to before the war? A Yes, sir.

Q Well, where was she when the war broke out? A I told you she was gone.

Q Do you know where Robert Vann was? A He must have been with that woman.

Q ~~When the war broke out~~ Was he there with Vann when the war broke out, or was he in the country? A He had a ranch and he went and staid Flory from my Masters.

Q Where did they go? A I don't know where they went.

MR. SMITH: How do you know he staid her? A Wasn't I there when he brought her there to where I was.

Q Did you see him? A Yes, sir, and talked with him.

Q Did you? A Yes, sir, and helped him get off that night.

Q What night? A The night he left, and then I met my old boss, Walk Vann himself, waiting for me to see if he could hear from that woman, and I told him that Lewis took Flory to Joe Vann's and got Mr. Joe Vann to buy her.

Q Where did Joe Vann live? A On Grand river, in the Chickasaw Nation.

Q And you think he had Flora ever about Joe Vann's? A I don't know.

Q What did you say about Joe Vann? A I said I was there when he brought her there.

Q Didn't you say awhile ago that that is where she was when the war broke out? A No, sir.

Have you told now all you know about this case? A Yes, sir.

Q Have you left anything for your wife to say? A No, sir.

MR. DAVENPORT: Just told the facts? A Yes, sir.

MR. SMITH: This is the second time you have been on the stand isn't it? A Yes, sir.

Q Were you asked the question the first time you were on the stand who did Flora run off with; were you asked that question? A Yes, sir.

Q The first time you were on the stand? A Yes, sir.

Q Did you say "I don't know, my old woman can tell you?" I said -

Q Did you say "I don't know?" A No, sir.

Q You didn't say that at all? A No, sir.

PHILLIP R. CAESAR, being duly sworn by Commissioner Needles, testified as follows on part of Cherokee Nation:

MR. DAVENPORT: What is your name? A Phillip R. Caesar.

Q Where do you live, Mr. Caesar? A Muskogee.

Q Where were you at the close of the war? A At the close of the war I was in the war, in the army.

Q Where were you mustered out? A I was mustered out at Fort Leavenworth.

Q Well, after you were mustered out where did you go? A After I was mustered out I came to the Territory.

Q What part of the Territory did you come first? A First I came to Cherokee Nation.

Q Near what point? A Here on the Verdigris some where about the Verdigris, little creek called Snow Creek.

Q How long did you stay in that vicinity there? A I stayed there only one season, one year.

Q What year did you come to the vicinity of Snow Creek, Mr. Caesar? A I was '67, Spring of '67 that I came.

Q Well be it when it may when you came there, who were living on Snow creek? A Wasn't anybody.

Q Was there any improvements made by anyone around there?

A No, sir, only improvements known of there at the time and they were little, and then I--not an improvement, but just fencing and put in a little crop of corn the year I came there.

Q How far was the improvements that you made from where Snow Creek empties ~~xxxxxx~~ into the Verdigris? A Well, now, I couldn't tell you; it was a very short distance; we stayed right in a flat near the mouth of Snow creek and Verdigris.

Q Short distance away? A Yes, sir.

Q Are you acquainted with the applicant here, Nelson Murrell, the gentleman who sits there, the old gentleman on the front seat?

A No, sir, I am not personally acquainted with him.

Q You are a citizen of the Creek Nation aren't you? A Yes, sir.

Q Well, during the time you lived there did anyone come in there and settle on the creek, or near there; do you remember the names of anybody? A I don't remember the names of anybody. Before I left there they was a family started an improvement up the Snow creek above I and also one up the Verdigris; up the Snow creek from the mouth and up the verdigris from the mouth of Snow Creek.

Q That was before you left there? A Yes, sir.

Q Was there any Indian s in that part of the country before you left?

A Yes, sir.

Q Do you remember any of their names? A Oh, yes, I remember there was an Indian there that I did some work for, man by the name of Love.

Q You did some work for him before you left there? A Yes, sir.

Q Do you remember his first name? A The young man employed me at

the time there was Simon, and Sam.

Q Where did they live with reference to where you settled, or had they built their improvements at that time? A They had started their improvements, they was down across the Snow Creek from where I was.

Q Were you on the north side, what I would call the north side of Snow Creek, or south side? I mean by that, were you in between the river and Snow creek? A Between the river and Snow creek.

MR. SMITH: How far were you away, Casady, from the mouth of Snow creek? A In about, I could not tell, it was a short distance it was just a flat.

Q Mile or ten miles? A About somewhere, a mile, might be a mile or mile and a half.

Q From the mouth of Snow creek? A Yes, sir.

Q How far was that from the mouth of Cedar creek? A I don't know a creek by that name.

Q How far was that from the line of Kansas? A The exact distance I could not tell; it was not very far.

Q About how many miles, as near as you can come at it? A Well, if I would have to say according to my judgment, because at the time I never paid any attention whether it was half or 25 miles, but living there, to Chetopa it might have been four or five miles, that I would say then it would be just according to my judgment.

Q Well, when you left there did you leave for Chetopa? A When I left there?

Q Yes? A Yes, when I left that section of country, I went to Snow creek, when I left Snow creek I went to this man Love, and from Love's I went to Chetopa.

Q How far did you live from Snow creek? A I raised one little crop on Snow creek.

Q When did you get there? A Along in the spring, about February or March.

Q Did you have a family? A No, sir.

Q Where did you live? A I lived right in a house with a man by the name of Steve Little.

Q Lived in Little's house? A Yes, sir.

Q About a mile or mile and a half from Snow creek? A Yes, sir.

Q Did you live right on the bank of Snow creek? A No, sir.

Q How far did you live? A Somewhere about a mile from the river.

Q Well, I know from Verdigris, how far from Snow creek? A About the same distance.

Q Now, how long is Snow Creek? A I don't know.

Q How far is it from where you lived down there on Snow creek to the Kansas line, or where Snow creek enters the State of Kansas?

A I don't know.

Q Did you ever go up the creek? A I sometimes went up it, but I can't tell.

Q You have been in the State of Kansas? A I have been, but I can't tell how long the creek is.

Q Do you don't know then anything about how far it was from where you lived to the place where Snow creek enters Kansas? A No, sir; I could not tell you.

Q Well, as a matter of fact you don't know anything about it then, you didn't see anybody living there except those you have mentioned?

A No, sir.

Q Timber along there wasn't it? A Yes, sir, timber on up and down the creek.

Q You don't pretend to swear that man Nelson Murrell wasn't living there? A No, sir; I said I didn't know that he was living there as Nelson; but there was just before I left there there was a family right in the mouth of Snow Creek where I lived; there was a family started a settlement up Snow Creek from the mouth and also a family started an improvement up the Verdigris from where we lived.

Q You don't know how long these families had been there in that

part of the country? A No, sir.

Q Where they came from? A No, sir.

Q Don't know anything about it? A No, sir.

Q How long were you in the army? A In the army about two years and two months.

Q Where did you join? A I joined about the 9th of August,

Q What year? A '68.

Q And how long were you in the army you say? A I was in the army two years and two months somewhere about that.

Q What time did that let you out? A I got out in September, well, in about, I was discharged in September, '68.

Q Where were you when you were discharged? A Fort Leavenworth.

Q How long did you stay in Fort Leavenworth? A I stayed in Fort Leavenworth until the spring of '67.

Q Well, how many years? A Well, from '68 until '67.

Q And then where did you go? A To the Cherokee Nation and from Cherokee Nation to the Creek Nation.

Q How long before you got into the Creek Nation? A I could not tell just how long, just back and forth, I was alone, single and I went to and fro from one country to the other.

Q When did you first go to the Creek Nation after the war? A I went to the Creek Nation the first year I came and left from the Creek Nation, then back to the Cherokee Nation at the settlement called the Big Creek settlement.

Q Don't you know when it was you first went to the Creek Nation?

A No, sir.

Q How did you get to be a citizen of the Creek Nation? A By Act, passage of Council acknowledging my arrival.

Q When? A I was in the Creek Nation in the limit, the 12 months.

Q ~~When?~~ Axxixx Twelve months from when? A From April the 13th or 16th I suppose.

Q April 16th, what year? A From the passage of the treaty.

Q When was that? A '67, April, '67.

Q When you worked for Love where did he live? A Cherokee Nation.

Q Have a house to live in? A Oh, yes, he had a little, just little place started and I worked for him.

Q Just started; well, was it a house or not? A House I suppose.

Q Don't you know, don't you know a house when you see it?

A Yes, sir.

Q Was it a house or not? A Yes, sir.

Q Now, what year was that? A That was the year of '68, it seems to me it was the year after I left Snow Creek.

Q How early in '68 and how late? A Now, the days of the year and so on, I could not tell; it was about hay making time.

Q Do you know who built his house? A No, sir the house was there when I went there.

Q Do you know anything about a carpenter before that time that lived up on Snow Creek and built Love's house? A I don't know.

Q Wasn't any living up there? A I don't know.

Q You didn't see him? A I didn't see any, I wasn't acquainted with the people.

Q People lived around there that you didn't know anything about?

A I don't know; it might have been these people I am talking about.

Com'r Needles: This testimony will be made part of the record in the case at bar, and it will also be made part of the record in Cherokee Freedmen doubtful cases #550, #552, #758, #923, and #788 and #994.

---ase000000---

J.O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) J.O. Rosson

Subscribed and sworn to before me this October 28th, 1901.

(Signed) J.B. Needles.

Commissioner.

M. D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he made the foregoing copy and that same is a true and complete copy of the original transcript.

M. D. Green

Subscribed and sworn to before me this January 2nd, 1902.

[Signature]

Commissioner.

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DEPARTMENT OF THE INTERIOR

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COMMISSION TO THE FIVE CIVILIZED TRIBES
DEPARTMENT OF THE INTERIOR

Serial order C.P.D. #473.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES,
WASH., D.C., OCTOBER 22d, 1901.

SUPPLEMENTAL ORDER in Case of Charles Williams, et al., Cherokee Freedmen doubtful card #473, for enrollment as Cherokee Freedmen.

Surveyor General Needles: The representatives of the Cherokee Nation request that the testimony in D-543, case of Nelson Jurell, be made a part of the record in the case of Charles Williams, D-473, and D-478.

And that the testimony in case of Emma Powell, D-475, be made part of the record in case of Sarah Robinson, D-476, and Nettie Powell, D-478, and William Dove, D-479.

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J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J. O. Rosson

Subscribed and sworn to before me this November 11th, 1901.

J. O. Rosson
Commissioner.

C. F. D. 548.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., April 15, 1903.

In the matter of the application of Nelson Murrell et al. for
enrollment as Cherokee Freedmen.

APPEARANCES:

Applicants represented by Wickett & Smith, Vinita, I. T.
Cherokee Nation represented by W. W. Hastings.

W. H. NICKENS, being first duly sworn, testifies as fol-
lows:

MR. HASTINGS: What is your name? A W. H. Nickens.

Q What is your age, Mr. Nickens? A 64.

Q What is your postoffice? A Fort Scott.

Q Kansas? A Yes, sir.

Q Where were you living when the war closed? A When it closed?

Q Yes, sir, say in '65? A I lived five miles west of Scott.

Q You mean Fort Scott? A Yes, sir, Fort Scott, in Bourbon County.

Q Were you married then? A Yes, sir.

Q Living on a farm? A Yes, sir.

Q Did you know a colored man by the name of Nelson Murrell? A
Yes, sir.

Q When did you learn to know him? A It was about the latter part,
I don't know just exactly what month it was, of '65.

Q Was he living in the country or in town? A He was living in the
country.

Q On whose place, do you remember? A On Isaac Allen's place.

Q How far did you live from him? A Oh, hardly half a mile, I
would say half a mile.

Q Did you know Joe Ross? A Yes, sir.

Q Where did he live? A Why it was said that he lived with his
father-in-law, I believe they called him.

MR. SMITH: I object to anything that was said unless you know
Nelson was his father-in-law.

MR. HASTINGS: Well, you knew him anyway? A I knew him.

MR. SMITH: The counsel for the applicant objects as to the
witness's statement as to where Joe Ross lived because he does not
state from his own personal knowledge.

MR. HASTINGS: You do state of your own personal knowledge that
you know him? A I knew him.

Q And he lived around there somewhere? A He lived, he stopped—

MR. SMITH: I object to that because it is a leading question.

WITNESS: He stopped there where his father-in-law lived.

MR. HASTINGS: How long did you continue to know Nelson Murrell,
how long did he live on that place, Allen place? A I think he
moved in '68, about the first of the year, it might have been that
it was a little later or a little earlier.

Q First of what time? A '68.

Q Of '68? A It might have been that it was just the latter part
of '65 that he moved; I know that he lived there right on the same
place till he moved.

Q And where did he move to? A He moved about four miles and a half
west of me on a farm that was known by John Todd's farm.

Q Did you live between him and town at that time after he had moved?
Yes, sir.

Q Did you ever have occasion to see him after that time? A Yes,
on Nelson's after that.

Q Well, for how long did you continue to see him? A It was in '87 sometime; I don't recollect just what time it was. I see him often passing backwards and forwards; he lived west of where I lived and the road that they travelled from Marmaton to Scott, Fort Scott, why passed right by my place, part of the time passed right in front of my house, and part of the time there was another road just west of my house a half a mile. I see him passing backwards and forwards.

Q Did you ever see Joe Ross after he moved away from the Allen farm? A Yes, sir.

Q Well, how long did you continue to see him up there? A I think it was in '87, the last that I ever recollect seeing of him; I might have seen him later than that.

Q You might have seen Nelson Murrell later than that? A Why I might have.

Q That's as late as you remember? A Yes, sir.

Q Do you know what finally became of Murrell, where he went to from that country when he left? A No, sir.

Q Do you know where he claimed he was from? A He claimed he was from the Nation.

Q How far was that from the Cherokee Nation? A Whisht.

Q Marmaton up there? A Marmaton, I don't know what the distance is from here to Marmaton.

Q Well, up from the line at Chetopa, Kansas? A I don't know just how far it is.

Q Well, it isn't the same tier of counties, don't border on the Nation line does it? A No, sir.

MR. SMITH: I understand that you are not certain about the time that you last saw Nelson Murrell, the man that you talk about, in Kansas; you couldn't tell us the date that he last? A No, sir, I saw him in '87.

Q How about Joe Ross? A I saw him in '87.

Q Which was the older of the two men? A Nelson.

Q Was he a married man or a single man, Nelson? A Married man was what was my understanding.

Q Well, did you know his wife? A No, sir.

Q Don't know what her name was? A Do not.

Q Where have you been living now ever since that time? Ever since the war closed? A Living on a farm that I bought in '65, five miles west of Fort Scott, and still remain there.

Q Were there a good many or just a few colored people in that country at the time the war closed? A Yes, sir, quite a good many.

Q Do you remember when all of them left or when each one left?

A I don't remember just when they left there, there is quite a good many of them that I know.

Q Well, you don't know if it's true that you saw Nelson Murrell in '87 you don't know where he was all of the time during '65 and '66 do you? A Well, I think I do.

Q Well, do you know it? A In '65 he lived on the Allen place in a half a mile of me, and I don't know but he remained there up to '66; I rather think he did.

Q He may have left there sometime during the year of '65? A Yes, sir, he might have done, but I think it was the latter part of '65 or perhaps it was the first of '66.

Q Well, all you can testify to is that you saw him there in Kansas as late as '65, you don't know where he was before that all of the time? A No, I don't know where he was, but I know where he lived

on where they said he lived, I don't know just where he was.

Q You don't know where he lived except from what was said? A Yes, sir, I know where he lived, he lived on the John Todd farm,

and he lived on the Allen farm that I know of from '65 to '67.

Q Now you say on the John Todd farm that he lived there? A Yes, sir.

Q Well, did you see his house? A Yes, sir.

Q See him? A I seed his house.

Q You didn't see him though on the John Todd farm? A I seed the house on the John Todd farm, and my understanding was that Nelson lived there.

Q That was just your understanding; you didn't know it personally?

A Oh I seed them about the place, I know them well enough when I was passing there, I know them when I seen them.

Q Why of course you knew them, but did you see them when you was passing there? A Yes, sir.

Q Well, who did you see? A I see Nelson there.

Q Who else? A Why I have seen the family.

Q Well, you didn't know his wife? A No, sir.

Q Well, you don't know whether you saw her or not? A No, I don't know whether I saw her or not.

Q Well, all you really know as to the John Todd place is what people said about where he lived? A Why he certainly lived there.

Q Well, do you know it of your own personal knowledge? A No, sir, I wasn't in his house, no, sir.

Q What is your occupation? A Farmer.

Q Live in Kansas? A Yes, sir.

Q Lived there ever since the war closed? A Yes, sir.

Q Well, now, how is it that you couldn't remember that long about the movements of these colored people? A They was part of the people that worked for me.

Q Well, did Nelson work for you? A No, sir.

Q Well, then the fact that the other colored people worked for you wouldn't have anything to do with your remembering Nelson? A I was right in his yard, the road passed almost right through Nelson's yard, also the road passed right to his house when he lived on the Todd farm.

Q Well, Mr. Nickens, how long had it been since Nelson Marrell had moved from that community until you were called upon to remember it, until you were asked how long had he been gone when you were first asked about the date; how long had he been gone? A Why I don't recollect, my recollection is just that I knew about the folks.

Q Well, nothing was said to you one way or the other about the time he left until a short time ago, was there? A Why I know what time, or about the last time I seed him, I don't pretend to say that he left at that time, but the last time I do say that I saw him was in 1867.

Q Well, how many years elapsed before you had a conversation with anybody relating to the time he left? A I couldn't tell you just exactly how many.

Q Well, was it thirty or thirty-five? A Oh twenty-eight or thirty years, some place along there.

Q Well, then, if it was twenty-eight or thirty years, with whom did you have the first conversation about that date? A I don't know as I recollect who I told, we might have talked about these folks, because there were parties of these folks that worked for me.

Q Well, there was Nelson, you wasn't talking about him, he didn't work for you did he? A No, sir.

Q Who did you first talk with about Nelson Marrell twenty-eight or thirty years afterwards? A The first talk I had was last fall believe in regard to Nelson.

Q Well, who did you have that talk with? A Well, with, I can't recall the man's name, but he is an officer of Scott.

Fort Scott, Kansas? A Yes, sir.

Q Well, you didn't remember then just when Nelson had left there did you? A I knew that he left there in '67.

Q What means did you have to refresh your recollection, if any, as to the time when he had gone? A I see the man in '88, and I saw him in '87, my recollection is good enough to know when I saw

a man at that time why I don't forget it.

Q You didn't have any business transaction with him at all, did you, with Nelson Murrell? A No.

Q Now about thirty years afterwards you just remember, say so, whether he had left there in '85 or '87? A I recollect that is the last that I saw him; I don't know when he left there, but the last time that I saw this man was in '87 and I saw him in '88.

Q You had nothing to fix that on your memory just except your general— A I was very well acquainted with Joe Ross, and he kept me posted on his father-in-law.

Q Well, now, tell me how Ross kept you so told about Nelson Murrell?

A Well, Ross worked for me once, swapped horses with him at one time.

Q Joe Ross? A Yes, sir, Joe Ross.

Q Well, is that all—that the only time you ever swapped horses up there? A Oh no, no.

Q Who else did you ever swap horses with? A I don't know, I used to trade horses considerable.

Q Can't tell all the people you traded with? A Could tell part of them.

Q Can you tell me anybody else you traded horses with in '87 and '88? A Oh, traded a good many times, you recollect about '85 it was trading part of this country.

Q Well, I don't recollect much about it. Nothing at all to fix that particular time on your memory with regard to Murrell further than you have stated here in your testimony? (No response)

Q Was there anything now to fix the time when you last saw Murrell further than what you have stated in the testimony which you have given? A I don't know of anything anything more than just what I have given.

Q Do you remember when the Commission sat at Vinita, Indian Territory, up here in the Cherokee Nation, taking testimony in these cases? A I do not.

Q Where were you last October? A Where was I? I was at home, sir.

Q Was that about the time that they were talking to you about this case? A I don't recollect.

Q Well, do you know whether it was earlier or later? A I think it was along in the fall.

Q You don't know whether it was earlier or later than October?

A No, I don't just recollect.

JASPER FORTNEY, being first duly sworn, testified as follows:

MR. HASTINGS: What is your name? A Jasper Fortney.

Q What is your age, Mr. Fortney? A I am nearly 65, 64 past.

Q Mr. Fortney, do you reside in Kansas? A Yes, sir, Fort Scott, Kansas.

Q What your postoffice? A Yes, sir.

Q Do you live right in town? A Yes, sir.

Q I will ask you to tell the Commission when you came to Kansas, when you located there? A We landed in Bourbon County, Kansas, on the 6th day of April, 1886.

Q How far from Fort Scott? A Eight miles.

Q What direction? A West.

Q How far was that from either the town or the river at Marmaton?

A Two miles from the Bend out there, one mile from the river; the river runs in a northwest direction there.

Q Did you know a man by the name of Todd? A John Todd, yes, sir.

Q Did he own a farm out there? A Yes, sir, several of them.

Q Did you know a colored man by the name of Nelson Murrell? A

Yes, sir.

Q When did you learn to know him? A The year of 1886.

Q How soon after you landed there? A Oh I should say, speaking at random, immediately.

Q Immediately? A He lived a quarter of a mile west from where we

moved to.

Q On whose farm? A On John Todd's farm.

Q Do you know Joe Ross? A Yes, sir.

Q Where did he live? A He lived in the same house with Nelson Murrell.

Q How long did you continue to know Nelson after you located there? A Until the fall of the year '88.

Q Fall of the year '88? A I think that is the time, sir, that is the best of my remembrance.

Q Make a crop there on Todd's place? A Yes, sir.

Q Both years of '88 and '89? A I think so.

Q Did you know his wife? A Yes, sir.

Q Do you remember her name? A Murrell's wife.

Q Yes, sir. A Eliza or Liza we always called her, Aunt Liza.

Q Did you know Joe Ross's wife? A Yes, sir.

Q What was her name? A Sarah.

Q They lived there together? A Lived in the same house.

Q Do you know what became of Murrell, this Nelson Murrell that you speak of? A He left there to come to the Nation, this country was then known with us as the Nation, down to the Nation.

Q Well, did you ever hear of him being down here afterwards? A I have heard of him; I never saw him. Moved onto the Verdigris River in south, nearly south, of Coffeyville.

MR. SMITH: I object to that because it does not appear that the witness is testifying from his own personal knowledge.

MR. HASTINGS: You only heard of that? A Only heard about it.

Q Through whom did you hear it? A Through my brother.

Q Did your brother know him up there? A Yes, sir.

MR. SMITH: I move to strike that out, being hearsay.

MR. HASTINGS: It is a circumstance by identification.

Q He lived in about a quarter of a mile did you say of you? A Yes, sir.

Q Were you married at the time you moved there? A Yes, sir.

Q To your present wife? A Yes, sir.

Q She is here with you? A Yes, sir.

Q Did Murrell or his wife either work for you some? A Yes, sir, occasionally helped us a little. Murrell would help on our farm and help when we needed help, and his wife helped our women with the housework.

Q Where did you come from to Kansas? A West Virginia.

Q And you weren't in Kansas then prior to April, 1888? A No, sir.

Q And you got acquainted with Nelson Murrell after that time? A Yes, sir.

Q That is your occupation, Mr. Fortney? A By profession I am a civil engineer, not doing much of anything now.

Q Little past that age? A I am not able to.

MR. SMITH: Well, this man Murrell that you speak of, you don't know where he was of course in '85? A No, sir.

Q Nor '86? A No, sir.

Q You don't know when he made the first trip that he made to the Cherokee Nation? A No, sir.

Q Well, at the time you knew him did you know where his family lived, have you ever been to the house? A Oh many a time.

Q Didn't own any farm there did he? A No, sir.

Q Well, what kind of work was he doing? A Farm work.

Q What kind of work did he do for you? A Helped us with the farm work, making fence, helped to thresh, and so on.

Q What kind of employment did you give him, by the day, week, month or year? A By the day usually.

Q By the day? A Yes, sir, I think so. Because he worked no considerable length of time at any one time continuous service.

Q Well, what kind of work did his wife do for your family? A By the day, I mean, sir.

Q Washed, did she, or cooked, or what? A Did washing and helping clean house and so on, women's work.

Q By the day? A By the day, I think so, sir, the women usually employed their help and did the paying also; but she, like her husband, worked no considerable time continuously for us.

Q Now what was her name you say? A Eliza, sir, we called her Aunt Liza in speaking to her.

Q How old was she at that time? A How old was she?

Q About, yes, sir; was she a young woman, or middle-aged or old?

A Middle-aged I would say, 40 or 45 years old.

Q Well, then, all you know about it is that after you went to Kansas you saw this man in Kansas, and that he worked for you, and his wife worked some for you by the day? A Yes, sir, and that they were there continuously for nearly two years, residing there.

Q Well, how far did they live from you? A About a quarter of a mile.

Q During two years? A We came there on the 6th day of April, 1868, and they were there I think late in the fall of '69.

Q At the same place? A At the same place in the same house, sir. Ross, Merrell, and their families all residing in the same house.

Q On whose farm? A John Todd's.

Q Well, what were you doing at that time? A I was farming.

Q How long did you continue to farm? A After that?

Q Well, just from the time you went there? A Well, most of the time for fifteen years; no, I will correct that, 12 years.

Q For the first two or three years after you went there were you farming continuously? A Continuously, yes, sir.

Q On what farm? A On the farm belonging to my father and brother, adjoining the one on which Merrell and Ross lived.

Q Was Merrell there all of the time during that time? A He resided there all the while, sir, he might have been away temporarily, I won't say.

Q Do you remember whether he was away at all or not? A No, sir, I don't remember after that.

Q Why do you say he resided there all of the time? A His family was there, that was his home.

Q I suppose this woman whom you called Aunt Liza was there that you say he resided there? Is that correct? A Oh, he had his crop there, he had his farm tools there, and stock, he had some little stock, cows, I think, and horses, they was there.

Q Was he an old man or a young man? A I would think he was near 50 years old.

Q Where? A At that time, 45 to 50, somewhere along there.

Q Have you ever seen him since he left there? A No, sir.

Q You don't know whether it was the same man who applies in this case or not? A Nothing only the name, sir, that is all.

Q Do he always go by the name, the man you knew, by the name of Nelson Murrell? A As far as I know he did, yes, sir.

Q You never knew him by any other name? A No, sir.

Q So far as you know you don't know where he went to when he left there of your own personal knowledge? A Only what he told me.

Q What did he tell you? A Nelson Murrell.

Q I thought your brother- A You asked me if I had seen him, I said I hadn't since that time, and I don't know where he resides further than what my brother said. But I did know where he said he was going.

Q Who did he say it to? A Said it to me.

Q When? A Just before he came down into the Territory.

Q Well, who came with him if any one? A Joe Ross, his son-in-law, and family.

Q About the woman Aunt Liza, did she come? A Yes, sir.

Q Now when did you say that was? A Fall of '69 I think, sir.

Q The fall of '69? A Late in the fall of '69 that they came down -

to this country or to the Territory, I won't say this country.

Q Well, what makes you so positive that it was that long after you first came to the country that they left? A Because, sir, Nelson Murrell had grown a crop, grown on John Todd's farm, in '89, and my brother and I helped to harvest it and helped to thresh it, and so on.

Q In '89? A My brother cut the harvest for him; I helped in the field as a harvest hand.

Q When did you first think about the time he had left afterwards; how many years had it been? A I don't know that, sir, I don't know when I first thought about it.

Q Well, you have had some conversation about it since I suppose? A Not until--nothing more than my family and I might speak of Aunt Eliza or Uncle Nelson, or hear indirectly something from them or something of them, why it might come up, I don't know that there was anything else to bring it up specially.

Q Well, with whom did you first talk as to the date, when did you first get to talking about this date when he had left there with anyone for the purpose of fixing the time in your mind? A I don't know when I first did, sir, may have spoke of it many times in the last thirty years.

Q Well, do you remember when the Commission was enrolling freedmen down here in the Cherokee Nation in about '88, Kern and Clifton Commission? A Oh, I may have read of it or heard of it.

Q Were you a witness then at that time? A No, sir.

Q Well, now when you first were asked about what you knew about Nelson Murrell how long had it been since he left there, how many years had elapsed, that's what I want to know, you see what I am asking you? A I was interrogated within the last four or five or six days, I will say a week; a gentleman came to see me to know if I knew anything of Murrell, and if I knew when he left, if I knew who his wife was, if I knew Joseph Ross, and if I knew his wife. Those questions have been asked me, yes, sir; and I answered affirmatively.

Q Well, was the inquiry with regard to Murrell, as you state, or Murrell; you said Murrell as I understood you? A Well, sir, Nelson Murrell.

Q How would you spell it? A I don't know, sir. I don't know that I ever spelled it or was asked to.

Q Well, would you say that it was Murrell or Merrell? A Well, after studying it over I would say if I was going to spell it that it was M-u-r-r-e-l-l.

Q Then you were mistaken when you said Merrell? A Well, it was probably a mistake in pronunciation, yes, sir, you and I might pronounce it differently.

Q Well, if it was spelled M-u-r-r-e-l-l you wouldn't call it Merrell, would you? A It might be thus pronounced.

Q Well, would you get Merrell out of M-u-r-r-e-l-l? (No response)

Q Well, now, it had been when you were interrogated, as you speak of, something more than thirty years, hadn't it? A '89 and 30 would be '89; yes, sir, thirty years, over thirty years since he left there.

Q Did you have anything by which to refresh your recollection in books or papers? A No, sir.

Q Well, now could you remember exactly the year that you and your brother had harvested a particular crop for thirty years back without anything whatever to assist you in arriving at that date?

A Well, sir, I can answer that by saying that if I never did a job for a man except one time, and that was in the year that he left the country when that work was done, that I could arrive at a definite time.

Q Well, did you ever do any other work for any other one man who left the country at any particular time? A I don't remember.

Q Well, if you ever saw him, were you able to arrive at this particular

date thirty years after it happened? A Simply by my own remembrance, that is all.

Q By your own remembrance? A Yes, sir, I have nothing by which to refresh my memory or anything of that kind.

Q You don't think you could be mistaken about it? A No, sir, I think not.

Q How was that? A I think not.

Q Well, are you sure? A I am as sure of that as I could be of anything else transpiring that long since, that's my remembrance.

Q That's the best of your recollection at this time? A Yes, sir.

Q You couldn't say as positively that that was true as you could about something that happened yesterday or last year, could you?

A Well, pretty nearly in this case; I don't think that there is anything that vitiates my remembrance at all of the time of his leaving there, and the time we went there.

Q How many colored people do you suppose left that country since you went there? A I don't know.

Q Many or few? A I suppose there have been a good many that have left there by death and otherwise.

Q Can you give the dates when they left, all of them? A I didn't have any business with them, therefore I wasn't intimately acquainted, not very intimately acquainted with them, I have known them, seen them.

Q Then you couldn't tell about the time when the majority of them went away? A No, sir.

Q What time in the year did you arrive there yourself? A 6th day of April, 1868.

Q Who did you bring with you? A Brought my family, and my father and his family.

Q Your wife and your own family and your father and his family?

A Yes, sir.

Q Never moved away from that immediate country afterwards? A No, sir, I have lived in that county ever since.

Q Well, did you ever do any civil engineering after you went there?

A Yes, sir.

Q About when? A Several times in my time; worked for this railway, some for the Gulf Railway, we called it the Memphis, the Frisco it is now, and the Missouri Pacific Railway Company.

Q Commencing about how long after you went to that county? A I was county engineer elected in 1868, and was the county engineer for four years, and deputy engineer for four years more, did the work.

Q Well, up to that time had you done anything except farm work?

A No, sir, very little civil engineering prior to that time.

Q Did Ross and Murrell live there together? A Yes, sir.

Q See them start? A Well, I knew when they did start, but whether I saw the wagons start when he left the house or not I can't say now. I knew they were getting ready to start and that they did leave.

Q What did they take with them? A Took their families with them.

Q What else? A What little stock they had I think.

Q Well, how much did that consist of? A I can't answer you now, I don't remember as to that.

Q Didn't seem to be much of a job for them to move did it? A They came in wagons, had two wagons I think.

Q Had two families? A Had two families.

Q Took one wagon to move that one family had? A Yes, sir, I guess that's about the amount of transportation they had.

WASLEY FORTNEY, being first duly sworn, testified as follows:

MR. FORTNEY: What is your name? A Wasley Fortney.

Q What is your age, Mrs. Fortney? A 62.

Q Is Mr. Fortney, who just left the stand, your husband? A Yes, sir.

Q Your postoffice is Fort Scott, Kansas? A Yes, sir.

Q Do you live in town? A Yes, sir.

Q Where were you born? A West Virginia.

Q Were you living in West Virginia during the late Civil War?

A Yes, sir.

Q Were you married before or after the war? A Married just before the war broke out.

Q When did you come to the State of Kansas? A The spring of '69.

Q Your husband come with you? A Yes, sir.

Q Where did you first locate? A Near Marmaton.

Q In the country? A Yes, sir.

Q On a farm? A Yes, sir.

Q Did you ever know a colored man there by the name of Nelson Murrell? A Yes, sir.

Q Did you know his wife? A Yes, sir.

Q Did you know a colored man by the name of Joe Ross? A Yes, sir.

Q Did you know his wife? A Yes, sir.

Q About how far did they live from you after you located there?

A Well, I would say about a quarter of a mile just guessing at it.

Q How long after you came there did you become acquainted with them, learn to know them? A Well, almost immediately, because

they were our nearest neighbors, and they worked for us.

Q Were they living there when you moved there? A Yes, sir.

Q How long did they continue to live there? A Well, the year of

'68, and I think the fall probably of '69, at least I won't go any

further than that, I am quite positive that they were there until

the fall of the next year.

Q Of '69? A Yes, sir.

Q Live there on this same place where you found them? A Yes, sir.

Q And you lived there on an adjoining place a quarter of a mile distant? A Yes, sir.

Q That was out in the country was it? A Yes, sir.

Q Do you know where they went when they left there or where they

said they were going? A Well, I know what they said, they said

they were going to the Nation, and further than that—

MR. SMITH: I object to that, I want to know who said that.

MR. HASTINGS: Well, any of Murrell's folks? A Well, yes, sir, they all talked of it, and of course we were anxious to know about their moving away.

Q Was that while they was making the preparations for their removal? A Yes, sir.

MR. SMITH: Well, I object to that because the statement of no one who is not a party to this action can be taken.

MR. HASTINGS: These are the same parties.

MR. SMITH: Well, I don't think so. Counsel objects to the statement made by any other person except the party to this suit.

MR. HASTINGS: (To witness) They said they were coming to the Nation? A Yes, sir.

MR. SMITH: That question is objected to.

MR. HASTINGS: You never saw them after that time? A No, sir.

Q Did the women folks work for you? A Yes, sir.

Q Did you know Murrell's wife's name at that time? A Yes, sir,

Sarah I think was what they called her.

Q Did you know Joe Ross's wife's name? A That was Sarah, yes, sir.

Q Well, did you know Nelson's wife's name? A Yes, sir, that was Eliza, was Aunt Liza we called her.

Q You know whether Mrs. Murrell was any relation to Joe's wife or not? A No, sir, I don't know.

Q You don't know what the relationship was? A No, sir.

Q Did you see them frequently? A Yes, sir.

Q Could you see their house from yours? A Yes, sir.

Q Plain sight? A Yes, sir.

Q Across the field was it? A Well, we would have said down the road.

Q You came to Kansas from West Virginia in the spring of '88? A Yes, sir.

MR. SMITH: Well, how long now after Nelson Murrell had left Kansas before any discussion of the time when he left came up; how long? A I heard nothing at all about it until recently.

Q Well, about how recently? A Well, I don't think it's been more than a week or two weeks.

Q Well, then at that time did you have any recollection as to the time he had left there or did you have to look it up or talk with your husband or someone else about it? A No one at all. What I know, of course I am just telling you what I know.

Q Well, that I am talking about now after this time had elapsed, after that many years had gone by, did you remember it or did you have any way by which to refresh your recollection? A Remember it, sir, quite well, just as I am telling it.

Q That was about how long; something over thirty years after they had gone away, wasn't it? A Thirty years.

Q Something over that I say? A Well, now, we had been here, let me see, we came here the spring of '68, April, '68, and this is 1902, let's see how long.

Q Well, now, during all that time did you keep it in your mind that they left there in a certain year during a certain year; what I want to know is why and how that was fixed upon your mind, that particular date when they left? A Well, I was just thinking about how long we had lived there, how long they had worked for us, and I am not positive as to the second year, sir, at all; but I think the fall. I can just remember of seeing the covered wagons just as well when they were all getting ready, and I knew it was rather cold weather, I think it was very late in the fall when they moved away; I don't know just exactly, I am not positive as to the time they left just exactly.

Q Well, are you positive as to the year? A Yes, sir, I am positive as to that.

Q What time in the year did you get there? A The 6th day of this present in April.

Q You never have seen that man Murrell since that time? A No, sir.

Q Now Ross? A No, sir.

Q You don't know whether they are the same persons who are applying at this time for admission or not? A I don't know, did you say?

A I don't know; well I presume so.

Q I know; but what do you know about it; I don't want to know what you presume, but what you know? A Well, yes, sir, I would say they were the same parties.

MR. HASTINGS: Comes now the representative of the Cherokee Nation and moves that this testimony be filed with and made a part of the record in the following cases, for the reason that these parties claim to have returned to the Cherokee Nation after the war along with and at the same time that Nelson Murrell came, as follows: Joe Ross, F. D-542; Jacob Ross, F. D-539; Egan Fox, F. D-508; and Steve Locney, F. D-519; together with the cases in which the testimony of these last mentioned cases is thrown, which are as follows: D-550, D-552, D-759, D-625, D-473, D-475, D-544, D-549, D-551, D-799, D-541, D-540, D-543, D-545, D-838, D-547, D-537, and D-621, in addition to the case at bar.

MR. SMITH: The counsel for the applicants objects to this testimony being made a part of the record in any case except in those cases in which the cases have already been connected, because

the statements of the witnesses examined in this particular case today as to the time when Nelson Murrell left Kansas as they claim would not affect the cases of other persons because this record does not show that Nelson Murrell made only one trip to the Cherokee Nation; and further, the testimony taken in this particular case upon notice to this particular applicant would not be competent testimony in the other cases in which it is sought to be made a part of the record.

MR. HASTINGS: The record shows that proof of notice to take testimony was had and filed upon the attorneys for the applicants in these five leading cases, being Nelson Murrell, D-549, Joe Ross, D-542, Jacob Ross, D-532, Steve Rooney, D-519, and Earl Fox, D-508, and the testimony heretofore taken in these cases and introduced by the applicants themselves is to the effect that they all returned and moved to the Cherokee Nation together after the war; that they came along in the same crowd with Nelson Murrell and Joe Ross, about whom the witnesses introduced today testified, and for that reason the testimony of these witnesses is relevant in all of these cases.

Arthur G. Croninger, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the testimony and proceedings in the above case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Arthur G. Croninger

Subscribed and sworn to before me this 18th day of April, 1902.

W. R. Renter
Notary Public.

Exhibited and sworn to before me this 27th day of June, 1903.

Notary Public

ACTING CHAIRMAN

It is a true and complete copy of the original transcript in the words of the five Glavined tribes, being listed in the above name, etc. It is a true and complete copy of the transcript to the five Glavined tribes.

720 472

Exhibited and sworn to before me this 27th day of June, 1903.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE GLAVINED TRIBES
FILED
JUN 28

Notary Public
B. G. Reister

Exhibited and sworn to before me this 27th day of June, 1903.

Notary Public
Michael G. Clouinger

Exhibited and sworn to before me this 27th day of June, 1903.

That the foregoing is a true and complete transcript of his personal knowledge of the transcript and agreement in the above name, etc. It is a true and complete copy of the transcript to the five Glavined tribes he is sworn to before me this 27th day of June, 1903.

U. S. D. 248-1-1-4

C. F. D-548.

To be filed with the following Cherokee Freedmen cases:
D-550, D-552, D-758, D-923, D-472, D-475, D-509, D-557 and
D-621.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MUSKOGEE, I. T., APRIL 30, 1903.

In the matter of the application of Nelson Murrell, et al. for
enrollment as Cherokee Freedmen.

SUPPLEMENTAL TO D-548.

Applicant represented by Mallette & Smith.
Cherokee Nation represented by J. S. Davenport.

SIMON SCALES, being first duly sworn, testified as follows:

- MR. DAVENPORT: What is your name? A Simon Scales.
- Q Where do you live, Simon? A At Fort Scott, Kansas.
- A Do you know how old you are, Simon? A I do, sir, about, near
about it.
- Q Well about how old do you think you are? A Going on 61, on
the 25th of last March.
- Q How long have you been living at Fort Scott, Kansas, Simon?
- A Well, sir, near about thirty-one or two or three years.
- Q About how long? A Thirty-two or three years, along there.
- Q Well did you go there before or after the close of the war?
- A After the war, sir.
- Q Do you remember that distinctly, you don't know what year, but
after the war closed? A Yes, sir.
- Q Well after you went to Fort Scott, Kansas, did you get acquainted
with a colored fellow by the name of Murrell? A I got slightly
acquainted with him.
- Q Did you ever know what his first name was? A I disremember.
- Q You don't know what his name was? A I forget what his first
name was; I got acquainted with him slightly, just passing by him
coming in.
- Q Did you know where he lived? A No, sir; I never did know where
he lived; I know he lived up the river above us a mile or two.

JOHN KILBURN, being first duly sworn, testified as follows:

- MR. DAVENPORT: What is your name? A John Kilburn.
- Q What is your age? A I will be 56 the 20th of October coming.
- Q What is your post-office? A Marmaton, Kansas.
- Q How long have you lived near Marmaton, Kansas? A Since '65,
since August, '65.
- Q You went there after the close of the war, did you? A Yes, sir.
- Q Since you went to Kansas did you get acquainted with a colored
family by the name of Murrell? A Yes, sir.
- Q Do you know what the first name of the man was? A I think
his first name slipped my mind. Nelson Murrell, Nelson Murrell
I think was his name.
- Q Where was he living when you first got acquainted with him?
- A On John Todd's place.

Q Where is that from Fort Scott or Marmaton, Kansas, now, how far?
A Well it's a mile and a half west of Marmaton, and about eight miles of Fort Scott.
Q You say he was living on John Todd's place? A Yes, sir.
Q Did he have a family at that time, or do you know? A When I was there, just him and his wife.
Q Well, that's what I mean, was he keeping house? A Yes, sir.
Q And lived on John Todd's place? A Yes, sir.
Q What were the circumstances of your getting acquainted with him that you remember him that well? A Why I went there to break prairie for John Todd.
Q They had a man on this place, he was living there? A Yes, sir.
Q Well? A That was the most convenient place that I knowed of, so I stopped the wagon there, and I slept in the wagon and boarded with him.
Q Boarded with them, they cooked for you? A Yes, sir.
Q Now when was that, Mr. Kilburn? A Well I guess that was in '68, it might have been '69.
Q Well did he move away from that country after that, or do you know? A He moved away, but I don't know when. Don't know where he went.
Q Mr. WILLETTTE: You simply stopped there with him while you was breaking prairie there? A Yes, sir.
Q Didn't know him very long then, did you? A No, sir.
Q Don't know where he had been before that, do you? A No, sir.
Q Don't know where he went after that? A I don't.
Q Are you certain it was in the year '68? A Well, that or '69.
Q How long did you break prairie there? A I expect it was a couple of weeks, I disremember.
Q Well now when was your attention first called, when were you first asked about what you knew about this man with a view of your being a witness in this case? A By Mr. Rucker.
Q How long ago? A I guess it's six weeks ago, might have been over that.
Q Then you remembered back thirty-five or forty years and remembered exactly what you seen two weeks when you was breaking prairie?
A Yes, sir.
Q You have got a pretty good memory, haven't you? A Why I don't know that I have.
Q Who talked to you about this case first; that gentleman, do you know? A Yes, sir.
Q What's he got to do with this business? A Couldn't tell you.
Q What's his name? A Rucker. C. T. Rucker.
Q Where does he live? A Fort Scott.
Q Is he getting up evidence for the Cherokee Nation up there?
A I ain't positive about that.
Q He was around inquiring of you what you knew, was he? A Yes, sir.
Q What did he say to you? A He wanted to know if I ever knew a man--now as near as I can recollect--if I knew a man by the name of Murrell, a colored man that used to live down there.
Q Did he say he was going about there getting what people knew about these cases? A I don't think he said anything about that.
Q Is he the witness that testified in the Pong Brown--Lewis T. Brown case a while ago? A I think he did.
Q And he came to you inquiring what you knew about the Elson Murrell case? A Yes, sir.
Q That he was getting up testimony up there, isn't he? A Well I just inferred that he was, I never heard him say that he was.

Q Can you remember every man that you broke prairie for two weeks thirty-five years ago? A No, sir.

Q Why can you remember this man then? A Well I'll tell you how I know about the time. I had a homestead up there about three miles from this Todd place, and I broke--I was breaking prairie for the man that built my house on that homestead, and then there was a man by the name of Will and he built the house on the homestead, and then I broke a piece for Mr. Stanley, another neighbor, and then I went to break for Mr. Todd and then I went up with the team, it was about the first team that I ever owned, and I went threshing with another man, hired to him on the threshing machine, that's how I remember.

Q That's the reason that you remember that you met Nelson for two weeks thirty-five years ago? A I know that's why I remember Nelson Murrell, yes, sir.

Q You didn't even remember his first name when you was first asked the question? A I didn't.

Q Have you ever seen him since you saw him there? A I don't remember that I have.

Q Don't know whether he is the man that has applied here or not for enrollment, do you? A I would just say that he was; I don't know anything about it.

Q Never have seen him? A No, sir.

Q All you have heard is that they was asking you about Nelson Murrell? A Yes, sir.

Q Well did you come away down here just to swear that? A I suppose that's what they got me here for. Looks that way to me.

Q You don't know where Nelson Murrell was in '66, do you?

A I do not.

Q '67? A I don't; let me see; no, I don't know where he was in '67.

Q And you don't know where he was except the time you speak of?

A That's all.

MR. DAVENPORT: When you was spoken to about what you knew about Nelson Murrell by Mr. Rucker there was no inducement offered or no premium to get you to swear anything other than the truth, other than what you knew? A No, sir.

Q Did anybody ask you to swear to anything other than what you knew in regard to the matter? A I don't think they asked me to swear at all; just asked me what I knew about it.

Q You was then subpoenaed, was you not? A Yes, sir.

Q Was there anything said to you about there being an association for the defense of the Cherokee Nation as against the claimants down here; was there any information given you that there was an organization for the purpose of trying to defeat the claimants?

A I never heard of any organization.

Q You come as any other witness after you had been talked to as to what you knew and then was subpoenaed; you came upon a subpoena after Mr. Rucker had talked to you as to whether you knew Nelson Murrell or not? A Yes, sir.

COMMISSION: This testimony will be filed with and made a part of the record in the following Cherokee Freedmen cases: D-580, D-552, D-756, D-923, D-473, D-476 and D-548, the case at bar; also in Cherokee Freedmen cases No. D-509, D-537, and

C.F.D-548.---4.

Arthur G. Croninger, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the testimony and proceedings in the above case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Arthur G. Croninger.

Subscribed and sworn to before me this 2nd day of May, 1902.

(Notarial Seal)

F. G. Reuter,
Notary Public.

I, George W. Irwin, stenographer to the Commission to the Five Civilized Tribes, being first duly sworn, state that the foregoing is a true and complete copy of the original transcript in the above case.

George W. Irwin

Subscribed and sworn to before me this 25 day of June, 1902.

F. G. Reuter
Notary Public

Department of the Interior,
Commission to the Five Civilized Tribes,
Tulsa, Okla., I. T., May 25, 1902.

In the matter of the application of Flora Murrell for the enrollment of herself as a Cherokee freedmen.

SUPPLEMENTAL TO D-548.

Applicants appear by Thomas Owen, representing Mellette & Smith, Vinita, Indian Territory.
Cherokee Nation represented by W.W. Hastings.

STEPHEN LITTLE, being first sworn, testified as follows:

MR. HASTINGS: What is your name? A Stephen Little.
Q Where do you live? A Live in Coowascoochee District of the Cherokee Nation.
Q Well give me your postoffice? A Lenapeh.
Q What is your age? A Going on 77.
Q Do you know Flora Murrell? A I do.
Q Is she the wife of Nelson? A Wife of Nelson Murrell, she wasn't when I first knew her.
Q Well when you first knew her who was she the wife of? A A man by the name of Vann, I think they called him.
Q Well what was his first name? A Well I forget his first name.
Q Well do you know it was Lowen? A Lowen Vann.
Q Where were you living when you first knew Lowen Vann and Flora his wife? A I was living on Snow Creek.
Q On Snow Creek? A Yes sir.
Q After the war? A After the war, yes sir.
Q How long had you been living there after the war when they move into that neighborhood? A Oh I had been there a very little while, I had been there I think four or five or six years, I know I had been there five years.
Q You know you had been there five years? A I know I had been there five years.
Q Did they have any children? I think they had five or six.
Q Do you know any of their names? A Yes, sir, there was Sonny, and Charley and Florence, I know them, and another called Lila.
Q Did you know Lowen Vann well? A Know him well?
Q Yes. A Oh, yes, sir, know him well as I knew anybody.
Q Did you ever talk to him about where he had been? A Never had any particular talk as I know of about where he had been, but I heard him say he had been to Mexico and he and I talked Mexican some together.
Q You and he talked the Mexican language together? A Yes sir, Mexican language.
Q Said he had been to Mexico? A Yes, sir.
Q Did he say what part of Mexico he had been in? A I don't know, if he did I don't remember it.
Q Well he talked the Mexican language did he? A Yes sir, good.
Q He was the husband of Flora Murrell? A At that time, yes sir.
Q The father of Charley Vann? A Yes sir, I suppose so.
Q You didn't know him before the war? A No sir.
Q He talked the Mexican language did he? A Yes, sir.
Q You talked it? A He talked it and I talked it.
MR. OWEN: When was that that you knew him? A When he lived up on Snow Creek.
Q How was that? A When he lived up on Snow Creek there.
Q I say when was that? A Well it was sometime in sixty I think

that must have been sometime in '70 along there.

Q Well why do you think it was in '70? A Because the time I moved there.

Q Well is there anything special that makes you think it was in '70?

A Yes sir something special.

Q What was it? A I had planted some apple trees, and I put them out first, and I know it must have been three or four or five years and that time they was bearing apples.

Q And they had just begun bearing apples? A Just begun to bear apples.

Q When you was talking with him? A Yes sir.

Q You put them out when you first went there, did you? A The first year after I went there.

Q You went there in '60? A Yes sir.

Q You put out your apple trees in '61. A '66 I went there.

Q You went in '66 so the Cherokees says, I went there in '66, that's the reason I am here to-day.

Q You have proved already before the Commission that you was there in '66 have you? A I didn't have that to prove, they all knew it.

Q Your neighbors knew that? A Yes sir.

Q What month did you go there in? A He?

AQ Yes you? A In April.

Q April 1866? A Yes sir.

Q Where did you come from? A I went from Leavenworth, Kansas.

Q When did you go to Mexico? A Never have been there.

Q How did you learn the Mexican language? A My boys always kept Mexicans at our house, he would trade them, and I heard them talking the language, and I learned it.

Q You learned it without going to Mexico? A Yes sir.

Q This other fellow that you testify about talked with you, Mexican A Yes, sir, that Lowen did.

Q Didn't you say a while ago in your cross examination that you went there in '60? A Went where.

Q Where you live? A '66.

Q How old was them apple trees when you put them out? A Oh I don't know how old they was, I expect they were two years old or something like.

Q Two years old when you put them out? A I expect so.

Q And they was just beginning to bear? A Bearing when they come there.

Q When you first got acquainted with him? A Yes sir.

Q How long had he lived there in that community before you met him?

A Before I met him, why he didn't live there long because he come there across the river from where I was, and I heard that some of his kin folks had come, and they was backwards and forth across the river there every day or two, see him.

Q He hadn't been there long before you met him? A No sir.

Q How long was it before you found out that he could talk Mexican?

A Oh I couldn't tell you, he was a Catholic and I was a Catholic, and we got to talking, and then he would let me know that he could talk Mexican.

Q Could you learn Mexican in that day and time without going to Mexico? A Well he could, couldn't he?

Q Well you learned it without going there didn't you? A Yes sir.

Q Do you know anybody else that did? A Yes, sir, hundreds.

Q Lots of them learned Mexican without going to Mexico? A Hundreds, right where I was a man has all black folks could speak Mexican.

Q The fact that a man could talk Mexican wasn't much of a sign that he had been to Mexico? A Not much, no, sir.

Mr. EASTMAN: You heard him say that he had been to Mexico and you learned Mexican up there around-- A Up there about Independence, Missouri.

COMMISSION: This testimony will be filed with and made a part of the record in the following Freedmen cases: D-580, D-582, D-588, D-589, D-593, D-595, and in D-544, the case of Ray.

(Signed) Arthur G. Croninger.
Subscribed and sworn to before me this 30th day of Mar, 1968.

(Signed) P. G. Reuser.
Notary Public.

Subscribed and sworn to before me this 7th day of July 1962.


NOTARY PUBLIC

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, K. T., May 31, 1902.

In the matter of the application of HENRY ADAMS for enrollment as a Cherokee Freedman:

Applicant appears by Hallett & Smith, Cherokee Nation, by W. W. Hastings:

By Mr. Smith:

The applicant moves the Commission to make the certified copy of the decree of the Court of Claims in the case of Moses Whitmire, Trustee for the Freedman, vs The Cherokee Nation, No. 17209 filed in the Mariah Hayden case T D 498, a part of the record in this case and the cases hereinafter mentioned by reference to the said case of the said Mariah Hayden, and if it be deemed necessary that a copy of the said decree be filed in this case and in the following cases, to-wit:

Charles Williams, D 673;

By W. W. Hastings:

Comes now the Cherokee Nation and objects to the introduction of the decree because, First: It does not tend to show that the applicant was a slave of the Cherokee Nation at the beginning of the war, nor that he returned within the time specified in the treaty of 1866, or that he had been a continuous resident of the Cherokee Nation since that time, or that he is a descendant of such a person. Second: Because the same is incompetent, irrelevant and immaterial, and does not tend to prove an issue in this case. Third: Because the Commission will take judicial knowledge of all laws, treaties and decrees necessary for the determination of the right of any person who makes application for citizenship. Fourth: The Cherokee Nation objects to the filing of a certified copy of this decree in the case of an applicant unless the same is called and filed in each individual case.

Commission:

The motion of the attorney for the applicant will be entertained and the decree of the Court of Claims filed in the case of Mariah Hayden will be made a part of the record by reference in all the cases above named with the exception of those which come within the provisions of the temporary injunction recently granted by Judge Gill of the United States Court, of the Northern District, Indian Territory.

Mr. Smith:

The applicant further moves that as to the above named cases including the Mariah Hayden case that counsel for the applicant be allowed within thirty days to file any of the proof of any or all of the record other than the decree already referred to

in the case of Moses Whitmire, trustee, vs Cherokee Nation, on file in the Court of Claims to the counsel of the Cherokee Nation if it is desired to do so.

W. W. Hastings:

The Cherokee Nation most certainly strenuously objects to the allowance of this permission or to the granting of this request for the reason that most of these applicants have had more than a year in which to file all of their testimony that they desired to file to make out their case before the Commission and that notice was given them all by agreement in March last, that the cases would be closed so far as testimony was concerned by the special permission of the firm of attorneys representing these applicants, on the 31st day of May, 1902, and that this being the 31st day of May, 1902, we say that under the rulings of the Commission, that under the agreement between the attorneys, that the testimony in all these cases is to close and should be closed by the Commission, and that no extension should be granted in any case and no case reopened unless there is some special and particular reason shown either by the Cherokee Nation on the one side or the applicant on the other why an extension of time is necessary or desired.

The Commission:

The law provides that the roll of Cherokee freedmen shall be made in strict compliance with the decree of the Court of Claims rendered the 3rd day of February, 1896, and as the Commission must take judicial notice of the judgment roll of said Court in the proceedings referred to the motion of attorneys for applicants for additional time to file certified copies of the proceedings of the said Court is denied.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings in the above case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

(Signed) E. G. Rothenberger.

Subscribed and sworn to before me this 14th day of June, 1902.

(SEAL)

(Signed) P. G. Reuter,
Notary Public.

I, E. C. Bagwell, a stenographer to the Commission to the Five Civilized Tribes, on oath state that the above and foregoing is a true and perfect copy of the original testimony in the above entitled cause as filed with the Commission, which copy was made by me.

E. C. Bagwell

Subscribed and sworn to before me this July 29, 1902.

P. G. Reuter
Notary Public.

Cherokee Freedman D-475.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
Lizzie Williams as a Cherokee freedman.

DECISION.

The record in this case shows that on June 1, 1901, Charles Williams appeared before the Commission at Chelsea, Indian Territory, and made application for the enrollment of his wife, Lizzie Williams, as a Cherokee freedman. He also made application for the enrollment of himself as a Cherokee freedman by intermarriage, but his status as such is not determined at this time and he is not embraced in this decision. Proceedings had at Chelsea, Indian Territory, on June 6, 1901, and at Muskogee, Indian Territory, on April 16, April 20, May 15 and May 21, 1902, are filed with and made a part of the record herein.

The evidence shows that Lizzie Williams was a slave of a Cherokee citizen at the commencement of the rebellion; that she removed from the Cherokee Nation during said rebellion and returned to said Nation with one Nelson Murrell, in whose case this Commission has found that he, the said Nelson Murrell, did not return to the Cherokee Nation within the time specified in the decree of the Court of Claims rendered February 3, 1886, in the case of Moses Whitacre, trustee, etc., vs Cherokee Nation et al., for the return of freedmen, and, consequently, Lizzie Williams did not return to said Nation within said specified time. The said Lizzie Williams is not identified on the Cherokee authenticated roll of 1880.

It is, therefore, the opinion of this Commission that the application for the enrollment of Lizzie Williams as a Cherokee freedman should be denied, under the provisions of section twenty-one

of the act of Congress approved June 23, 1900 (30 Stat., 495), and
it is so ordered.

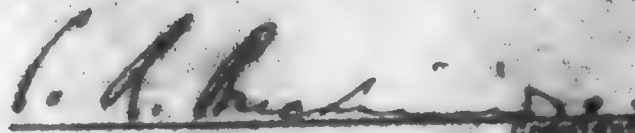
COMMISSION TO THE FIVE CIVILIZED TRIBES.



Chairman.



Commissioner.



Commissioner.

Commissioner.

Dated at Muskogee, Indian Territory,

this APR 20 1904

F. D. 473

IN RE
THE DEATH OF

Lizzie Williams
a ~~member~~ of the
Cherokee Nation.

Approved *September 12* 190*5*

[Signature] Commissioner.

DEPARTMENT OF THE INTERIOR
COMMISSIONER TO THE FIVE CIVILIZED TRIBES
FILED

September 12 190*5*

[Signature] COMMISSIONER.

J. H.
Enc - C-608.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the death of Lizzie Williams
(Here insert name of deceased.)
a citizen of the Cherokee Nation, who formerly resided at or near
Cherokee, Ind. Ter., and died on the about 30 day of
October, 1903.

AFFIDAVIT OF RELATIVE.

UNITED STATES OF AMERICA, INDIAN TERRITORY,
Northwest DISTRICT.

I, Samuel Williams, on oath state that I am 79
years of age and a citizen by birth of the Cherokee Nation;
that my postoffice address is Cherokee, Ind. Ter.; that I am
husband of Lizzie Williams
(State relationship: as the father; an uncle; a cousin, etc.) (Here insert name of deceased.)
who was a citizen by birth of the Cherokee Nation
and that said Lizzie Williams died on the about 30 day of
October, 1903.

WITNESSES TO MARK:

(Must Be Two Witnesses.)
John S. Shien
John Anderson

Subscribed and sworn to before me this 22 day of August, 1905.

William P. Durr
Notary Public.

AFFIDAVIT OF ACQUAINTANCE.

UNITED STATES OF AMERICA, INDIAN TERRITORY,
DISTRICT.

I, _____, on oath state that I am _____
years of age, and a citizen by _____ of the _____ Nation;
that my postoffice address is _____, Ind. Ter.;
(Here insert name of postoffice.)
that I was personally acquainted with _____
(Here insert name of deceased.)
who was a citizen, by _____, of the _____ Nation;
and that said _____ died on the _____ day of _____
(Here insert name of deceased.)

WITNESSES TO MARK:

(Must Be Two Witnesses.)

Subscribed and sworn to before me this _____ day of _____, 1905.

Notary Public.

D. J. 473

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
JUN 8 1901

CHIEF OF BUREAU

COMMISSIONERS

HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chelsea, Indian Territory, June 8th, 1901.

Received of the Commission to the Five Civilized Tribes
one copy of the original testimony in the matter of the application
of Charles Williams et al for enrollment as Freedmen of the
Cherokee Nation.

Wm M. Little

Attorneys for Applicants

Cherokee F. #D473.

85
H. D. 473

INDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the with-
in notice on _____

by delivering a true copy thereof on the
_____ day of _____ A. D. 190...

Given under my hand this _____
day of _____ A. D. 190...

Marshal for the Cherokee Nation.

I, the undersigned attorney for the
within named applicant, hereby accept
service of the within notice on this the

_____ day of _____, 190...
W. C. Smith
Attorney for applicant.

UNITED STATES OF AMERICA }
INDIAN TERRITORY, } S. S.
NORTHERN DISTRICT. }

I do solemnly swear that I delivered a
true copy of the within notice to _____

_____ on the _____ day of _____ A. D. 190...

Subscribed and sworn to before me
this _____

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED
SEP 21 1901

[Signature]
ACTING CHAIRMAN

NOTICE!

IN THE MATTER OF the application of Chas. Williams
for enrollment as Cherokee citizens:

Case No. D 473

To Chas. Williams or Mallette & Smith his Attys.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee citizen at the office of the United States Commission to the Five Civilized Tribes in the town of Vinita

Indian Territory, on Oct. 22d 1901 or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee citizens.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this 9 21 1901

L B Bell
N. W. Hastings
Attorneys for the Cherokee Nation.

COPY.

n Cherokee Freedman
D-473.

Muskogee, Indian Territory, May 3, 1904.

The Honorable

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application for the enrollment of Linnis Williams as a Cherokee freedman, including the Commission's decision dated April 20, 1904, rejecting said application.

Respectfully,

Tamie Dixby.

Through the
Commissioner of Indian Affairs.

Enc. D-123.

Chairman

COPY.

Cherokee Freedman
D-473.

Muskogee, Indian Territory, May 3, 1904.

W. W. Hastings,

Attorney for Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated April 20, 1904, rejecting the application for the enrollment of Lizzie Williams as a Cherokee freedman.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Tams Dixby.

Enc. D-127.

Chairman.

COPY

Cherokee Freedmen
D-473.

Muskogee, Indian Territory, May 3, 1904.

Edgar Smith,

Attorney for Lizzie Williams,

Vinita, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated April 20, 1904, rejecting the application for the enrollment of Lizzie Williams as a Cherokee freedman. You have heretofore been furnished with a copy of the record of proceedings.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Walter E. Smith

Register

Chairman.

Enc. D-126.

copy.
Cherokee Freedmen
D-473.

Muskogee, Indian Territory, May 3, 1904.

Charles Williams,

Chelsea, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated April 20, 1904, rejecting the application for the enrollment of your wife, Lizzie Williams, as a Cherokee freedman. Your attorney, Edgar Smith, Vinita, Indian Territory, has heretofore been furnished with a copy of the record of proceedings and there has this day been forwarded to him a copy of the Commission's decision.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Register

Enc. D-125.

Chairman.

Refer in reply
to the following:

Land.
31044-1904.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,

WASHINGTON,

September 26, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose herewith, a report from the Commission to the Five Civilized Tribes, dated May 3, 1904, transmitting the record of the application for enrollment as a Cherokee freedman by Lizzie Williams.

April 20, 1904, the Commission decided adversely to the Applicant.

The evidence shows that the applicant was the slave of a Cherokee citizen at the beginning of the war of the rebellion, that she removed from the Cherokee Nation during the war, and that she returned to the Nation with one Nelson Marrell whose claim was rejected by the Commission on the ground that he did not return to the Nation on or before February 11, 1867. This decision was approved by the Department, August 31, 1904.

In view of the record the approval of the Commission's decision adverse to the applicant is recommended.

Very respectfully,

A. C. Tonner

Acting Commissioner.

N.H.M.

D. C. 46818-1904,
I.T.D. 8142-1904.
LRS

W.C.P.
J.P.
PHE

DEPARTMENT OF THE INTERIOR,

WASHINGTON.

December 2, 1904.

Commission to the Five Civilized Tribes,
Muskogee Indian Territory.

Gentlemen:

May 3, 1904, you transmitted the record in the matter of the application for the enrollment of Lizzie Williams as a Cherokee freedman, including your decision of April 20, 1904, rejecting said application.

Reporting in the matter September 26, 1904, the Acting Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

Respectfully,

(Signed) Thos Ryan

Acting Secretary.

1 inclosure.

COPY

Cherokee Freedman
D-473.

Muskogee, Indian Territory, December 10, 1904.

Lizzie Williams,

Chelsea, Indian Territory.

Dear Madam:

You are hereby advised that the Commission's decision dated April 20, 1904, rejecting your application for enrollment as a Cherokee freedman, was affirmed by the Secretary of the Interior on December 2, 1904.

Respectfully,

(SIGNED) *Tame Bixby.*

Chairman.

COPY

Cherokee Freedmen
D-473

Muskogee, Indian Territory, December 10, 1904.

Edgar Smith,

Attorney for Lizzie Williams,

Vinita, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated April 20, 1904, rejecting the application for the enrollment of Lizzie Williams as a Cherokee freedman, was affirmed by the Secretary of the Interior on December 2, 1904.

Respectfully,

(SIGNED)

Tamm Birby.

Chairman.

Cherokee Freedman
D-473

Muskogee, Indian Territory, December 10, 1904.

Pell, Hastings & Davenport,

Attorneys for the Cherokee Nation,

Vinita, Indian Territory.

Gentlemen:

You are hereby advised that the Commissioner's decision dated April 20, 1904, rejecting the application for the enrollment of Elsie Williams as a Cherokee freedman, was affirmed by the Secretary of the Interior on December 7, 1904.

Respectfully,

SIGNED: *Jama Dixby*
Chairman.

COPY.

Charles Freedman
J-44 of al.

Flagstaff, Indian Territory, January 21, 1905.

The Honorable

The Secretary of the Interior.

Sir:

There is herewith transmitted record of proceedings had in the matter of the applications for the enrollment of, William Davis, Henry Thomas, Ella Vann, Mary Matheson, Frances Walton, John Deaton, Mary Jane Vann, Thomas Love, Ella Hayfield, Nellie Rider, Hudson Campbell, Van Jackson Lister, Emma Nicholson, Mary Perkins, Nellie Phipps, John Kinke, William S. Rogers, Jess Dean, Albert T. Thomas, Mary Campbell, Caroline Daniels, William Alberty, Jess Morris, Alexander Groggett, Emma Martin, Ella Martin, John N. Barnes, Bell Davis, Samuel Brown, Howard B. Watson, Jack McCannell, Emma Huxley, George Hunt, Sr., Buck Lodge, Bill Thompson, Louis Gantt, Joe Scott, Bessie Hampton, Thomas R. Allen, Louis Vanderford, John L. Rowlin, Katie Davis, Charles Williams, John J. Ross, Jess Martin, John Petersen, Alex Johnson, Martha Vann, John Scott, Harry Ross, Charles G. Smith, David Colbert, William Higgs, David Johnson, Alfred P. Hopkins, Elsie Vann, Emma Lacey, Lucy Chestnut, Alice Dorrest, Elizabeth Ward, Fred J. Thomas, Bettie Beck, Ella Warren, Nellie Robinson, Mary Weber,

Frances Martin, Mary Riley, Emanuel Taylor, Henry Sykes, Larkin F. Rewell, Stegney Dawn, Malinda Vann, Frances Johnson, Annie Foster, Mary H. Rogers, George Washington Lane, Jane Brown, Samuel I. Young, John Bunker, Willis Cox, Leonard Bowles, Malinda Howell, Charles Claggett, Samuel Irvon, Mary Ross, Maggie Hare, John Hare, Ella Ross, Elizabeth Dungee, Sadie Adams, Georgeann Smith, John Claggett, Mattie Smith, Jack Jackson, Luke Sanders, George Haskins, Lillian West, Maria French, Mary Johnson, Maggie Vann, William Adams, Sarah Rogers, Abraham Ballard, Laura David, John Johnson, James E. Perry, Isaac Welch, Lawson Egan, George Howell, Henry Haskins, George Adams, Annie Thomas, Lewis McConnell, Ollie Vann, Sam Taylor, Ida Adams, Robert Brown, Alice Chambers, Ida Jones, Allen Smith, Katie Adams, Carrie Martin, Benjamin Clark, Emily Lerner, John Green, Matilda McFair, Bettie Vann, Helen Left, Fannie Rogers, William Washington, Squire Warren Green, Fannie Galloway, Susan Daniels, Anderson Park, David Lane, Felix McClain, Hester Jones, Belle Vann, Levi Stroud, John Taylor, Maria Thompson, Ellen Sheppard and Ella Holden, as Cherokee citizens by inter-marriage, including the Commission's decision dated January 19, 1905, rejecting said applications.

Respectfully,

(SIGNED) *Tams Dixby.*
Commissioner.

Incl. K-8.
 Through the
 Commissioner of Indian Affairs.

COPY.

Cherokee Freedmen
2-14 et al.

Muskogee, Indian Territory, January 24, 1905.

Beil, Hastings & Sawinport,
Attorneys for the Cherokee Nation,
Muskogee, Indian Territory.

Gentlemen:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated January 19, 1905, rejecting the applications for the enrollment of, William Davis, Henry Thomas, Ella Vann, Mary Mathews, Frances Walton, John Jensen, Mary Jane Vann, Thomas Lewis, Ella Hayfield, Sallie Rider, Reuben Campbell, Van Jackson Luther, Cassie Middleton, Mary Harlin, Sallie Fields, John Kimo, William B. Hester, Jane Dean, Albert T. Thomas, Mary Campbell, Caroline Jenkins, Fannie Alberty, Dave Morris, Alexander Claggett, Martha Martin, Ellen Martin, John E. Barnes, Bill Lewis, Samuel Brown, Samuel P. Watson, Jack McConnell, Minnie Wiley, George Hall, Jr., Paul Leckner, Nell Thompson, Lewis Scott, Abe Scott, Kendra Hampton, Thomas E. Allen, Lewis Vanderford, John T. Bowlin, Katie Davis, Charles Williams, John J. Rose, Jane Martin, Lena Peterson, Alex Johnson, Martha Vann, John Scott, Nancy Rose, Charles C. Smith, Cassie Gilbert, William Shaggs, Susie Johnson, Alfred P. Hopkins, Kizzie Vann, Freddie Leckner, Lucy

Sherman, Allen Smith, William Scott, Fred S. Stone, Stephen
 Stone, William Stone, Willie Stone, Mary Stone, Thomas Stone, Mary
 Stone, Samuel Taylor, Henry Stone, Lillian S. Powell, Margaret Stone,
 Nellie Stone, Francis Stone, Alice Stone, Mary H. Stone,
 George Washington Stone, John Stone, Samuel L. Stone, John Stone,
 Willie Stone, Leonard Stone, Nellie Stone, Charles Stone,
 Samuel Stone, Mary Stone, Maggie Stone, Henry Stone, Ella Stone,
 Elizabeth Stone, Alice Stone, Margaret Stone, John Stone,
 William Stone, Jack Stone, Ella Stone, George Stone, Lillian
 Stone, Marie Stone, Mary Stone, Elsie Stone, William Stone,
 Carl Stone, Arthur Stone, Henry Stone, John Stone, Sam
 S. Stone, Isaac Stone, James Stone, George Stone, Harry Stone,
 Henry Stone, Alice Stone, Louis Stone, Alice Stone, Lee
 Stone, Ida Stone, Robert Stone, Alice Stone, John Stone,
 Alice Stone, Katie Stone, Cora Stone, Margaret Stone, Emily
 Stone, John Stone, Nellie Stone, Nellie Stone, Susan Stone,
 Francis Stone, William Stone, Arthur Stone, Henry
 Stone, Grace Stone, Andrew Stone, Mary Stone, Nellie Stone,
 Frederick Stone, Alice Stone, Levi Stone, John Stone, Mary
 Stone, Ellen Stone and Ella Stone, as clerical assistants
 by Interference.

The Commission, together with the record of proceedings
has in the case, has this day been transmitted to the Secretary
of the Interior for his review and decision. The action of the

RECEIVED THE FOLLOWING FROM THE OFFICE OF THE SECRETARY OF THE ARMY
ON THE 10TH OF 1914.

Very truly,
Yours,

(SIGNED) *James Dixby.*

10-10-14.

COPY.

Cherokee Freedmen
D-206 et al.

Madras, Indian Territory, January 24, 1906.

Edgar Smith,

Attorney for Jane Bean et al.,

Vinita, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated January 19, 1906, rejecting, among others, the applications for the enrollment of Jane Bean, Albert T. Thomas, Melvina Alberty, Alexander Claggett, Amanda Martin, Maud Manley, Katie Davis, Charles Williams, John J. Rose, Alex Johnson, Charles C. Smith, Susie Gilbert, William Shaggs, Susie Johnson, Alfred F. Hopkins, Kinzie Vann, Freddie Leensy, Lucy Chouteau, Mahalay Ward, Millie Robinson, Frances Martin, Mary Riley, Samuel Irvon, Sadie Adams, Georgeann Archer, John Claggett, Mattie Smith, Jack Jackson, Ida Adair, Robert Brown, Isaac Jones, Alice Carter, Katie Adair, Susan Daniels, and Levi Stroud as Cherokee citizens by intermarriage.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Encl. L-122.
Register.

Tamie Dixby.
Chairman.

COPY.

Cherokee Freedman
D-473.

Muskogee, Indian Territory, January 24, 1905.

Charles Williams,

Chelsea, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated January 19, 1905, rejecting, among others, the application for the enrollment of yourself as a Cherokee freedman by intermarriage. A copy of the Commission's decision has this day been forwarded to your attorney, Edgar Smith, Vinita, Indian Territory.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Encl. L-52.

Register.

Tamoc Dixby.
Chairman.

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,

WASHINGTON, MARCH 28, 1905.

Refer in reply
to the following:
Land.
7908-1908.

The Honorable,

The Secretary of the Interior.

Sir:

I enclose a report from the Commission to the Five Civilized Tribes, dated January 24, 1905, transmitting the record of the application for enrollment as Cherokee citizens by intermarriage to Cherokee freedmen by William Davis, Henry Thomas, Ella Vann, Mary Markham, Frances Melton, John Dotson, Mary Jane Vann, Thomas Lowe, Ella Mayfield, Sallie Rider, Reuben Campbell, Van Jackson Luther, Cassie Middleton, Mary Harlin, Nellie Fields, John Kimbe, William S. Madden, Jane Bean, Albert T. Thomas, Mary Campbell, Caroline Daniels, Melvina Alberty, Dave Morris, Alexander Claggett, Amanda Martin, Eliza Martin, John E. Barnes, Bell Davis, Samuel Brown, Howard F. Watson, Jack McConnell, Maude Manley, George Reed, Sr., Buck Ledman, Bell Thompson, Lewis Scott, Abe Scott, Kender Lampton, Thomas E. Allen, Lewis Vanderford, John L. Bowlin, Katie Davis, Charles Williams, John J. Ross, Jane Martin, Lena Peterson, Alex Johnson, Martha Vann, John Scott, Nancy Ross, Charles C. Smith, Susie Gilbert, William Shaggs, Susie Johnson, Alfred P. Hopkins, Kizzie Vann, Freddie Looney, Lucy Chouteau, Alice Durant, Mahaley Ward, Fred D. Thomas, Bettie Beck, Ellis

Warren, Millie Robinson, Mary Webber, Frances Martin, Mary Riley, Emanuel Taylor, Henry Hynes, Larkin P. Powell, Stepmey Dunn, Malinda Vann, Frances Johnson, Annie Foster, Mary H. Rogers, George Washington Lane, Jane Brown, Samuel L. Young, John Buckner, Willie Cox, Leonard Boules, Malinda Farrell, Charles Gloggett, Samuel Irven, Mary Ross, Maggie Hays, Neema Hays, Ella Ross, Elizabeth Dunsan, Sadie Adams, Georgessan Archer, John Gloggett, Hattie Smith, Jack Jackson, Lula Sanders, George Hamelrig, Linnie West, Maria French, Mary Johnson, Maggie Vann, William Hudson, Sarah Rogers, Abraham Ballard, Laura David, John Deekman, James B. Perry, Isaac Welch, Lawson Logan, George Howell, Henry Hagar, George Adams, Annie Thomas, Lewis McCunnell, Callie Vann, Lou Peters, Ida Mair, Robert Brown, Allie Chambers, Isaac Jones, Alice Gunter, Katie Mair, Carrie Martin, Benjamin Clark, Emily Leoney, John Groves, Matilda McWair, Bettie Vann, Nelson Lett, Fannie Rogers, William Washington, Squire Warren, Owens, Fannie Goldsby, Susan Daniels, Anderson Turk, David Lane, Felix McClain, Henderson Jones, Belle Vann, Levi Stroud, John Sumpter, Mariah Thompson, Ellen Sheppard, and Lula Melton.

January 19, 1906, the Commission decided adversely to all the applicants.

The record shows that none of the applicants makes claim to enrollment as citizens of the Cherokee Nation, except by intermarriage with a Cherokee Freedman; that none has ever been enrolled or admitted to citizenship by any tribal authority

of the Customs Service or by any United States Tribunal and
that name is identified on the 1888 authenticated Cherokee Roll.

In view of the record and of the ruling of the Department
of November 22, 1904 (L. O. D. 1888-1904) in the Lamek
volume case, the approval of the Commission's decision adverse
to all the applicants is recommended.

Very respectfully,

C. F. Karpis

Acting Commissioner.

N.H.H.

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

WUP.
FEB.

I. T. B. 2904-1905.

122
D. C. 2007-1905.

April 17, 1905.

Commissioner of the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

January 26, 1905, you transmitted the record in the matter of the applications for the enrollment of the following persons as citizens by intermarriage of the Cherokee Nation, including your decision of January 19, 1905, rejecting said applications, viz:

William Davis, Henry Thomas, Ella Vane, Mary Matthews, Frances Wilton, John Nelson, Mary Jane Vane, Thomas Lane, Ella Hayfield, Nellie Rider, Nathan Campbell, Van Jackson, Luther, Cassie Edgerton, Mary Harlin, Nellie Field, John Kink, William G. Hodges, Jane Vane, Albert F. Thomas, Mary Campbell, Caroline Daniels, Melvin Albert, Bert Davis, Alexander Clappett, Amanda Martin, Eliza Martin, John H. Barton, Nell Davis, Samuel Brown, Howard F. Vane, Jack McCall, Wade Manley, George Reed, Jr., Jack Loman, Nell Thompson, Lewis Scott, Abe Scott, Hender Langston, Thomas E. Allen, Louis Vanderford, John L. Swain, Katie Davis, Charles Williams, John J. Ross, Sam Martin, Lena Peterson, Alex Johnson, Martha Vane,

John Scott, Mandy Ross, Charles C. Smith, Susie Gilbert,
 William Striggs, Susie Johnson, Alfred P. Hopkins, Kinzie Vann,
 Freddie Lebnay, Mary Shontom, Alice Burnett, Mahaley Ward,
 Fred B. Thomas, Bettie Cook, Willie Warren, Millie Robinson,
 Mary Webster, Frances Martin, Mary Wiley, Emanuel Taylor, Henry
 Sykes, Larkin E. Powell, Stepmay Dunn, Malinda Vann, Frances
 Johnson, Annie Foster, Mary E. Rogers, George Washington Lane,
 Sam Brown, Samuel L. Young, John Beckner, Will is Cox, Leonard
 Bowles, Malinda Marrell, Charles Claggett, Samuel Irven, Mary
 Ross, Maggie Ross, Emma Ross, Ella Ross, Elizabeth Penson,
 Sadie Adams, Georgeann Archer, John Claggett, Mattie Smith,
 Jack Jackson, Lula Sanders, George Hensley, Lizzie West,
 Maria French, Mary Johnson, Maggie Vann, William Hudson, Sarah
 Rogers, Abraham Ballard, Laura David, John Beckman, James D.
 Parry, Isaac Welch, Lawson Logan, George Howell, Henry Miller,
 George Adams, Annie Thomas, Lewis McCallum, Nellie Vann, Lou
 Peters, Ida Adair, Robert Brown, Allie Chambers, Isaac Jones,
 Alice Hunter, Katie Adair, Carrie Martin, Benjamin Clark, Emily
 Leoney, John Graves, Matilda McKair, Bettie Vann, Nelson Lett,
 Fannie Rogers, William Washington, Squire Warren Owens, Fannie
 Goldsby, Susan Daniels, Anderson Turk, David Lane, Felix McLain,
 Henderson Jones, Belle Vann, Levi Strand, John Supter, Sarah
 Thompson, Ellen Sheppard and Lula Walton.

Reporting to the Senate March 22, 1946, the Indian
Office recommends that your decision be approved. A copy of
the letter is inclosed.

The Department concurs in said recommendation, and
your decision is hereby affirmed.

Respectfully,

Wm. Ryan

Acting Secretary

1 inclosure.

COPIES

Cherokee Freedmen

P-175.

Muskogee, Indian Territory, April 25, 1905.

Charles Williams,

Chelsoe, Indian Territory,

Dear Sir:

You are hereby advised that the Commission's decision dated January 19, 1905, rejecting your application for enrollment as a Cherokee citizen by intermarriage, was affirmed by the Secretary of the Interior on April 17, 1905.

Respectfully,

W. J. BIRBY
Chairman.

COPY

Cherokee Freedmen

B-473.

Muskogee, Indian Territory, April 28, 1906.

Edgar Smith,

Attorney for Charles Williams,

Vinita, Indian Territory,

Dear Sir:

You are hereby advised that the Commission's decision dated January 19, 1905, rejecting the application for the enrollment of Charles Williams as a Cherokee citizen by intermarriage, was affirmed by the Secretary of the Interior on April 17, 1905.

Respectfully,

(SIGNED)

Tamm Bixby

Chairman.

COPY.

Executive President

W.H. of M.

Washington, D.C. Territory, April 10, 1900

Mr. William S. Burroughs,

Attorney for the Executive President,

Washington, D.C. Territory.

Gentlemen:

You are hereby advised that the Commission's decision dated January 10, 1900, regarding the application for the enrollment of William Burroughs, et al., as Cherokee citizens by inheritance, was affirmed by the Secretary of the Interior on April 17, 1900.

Respectfully,

W.H. of M.

James Birney

COPY.

Cherokee Freedmen

B-14, et al.

Mustang, Indian Territory, April 20, 1908.

Commissioner in Charge,

Cherokee Land Office,

Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated January 19, 1908, rejecting the applications for the enrollment of William Davis, et al., as Cherokee citizens by intermarriage, was affirmed by the Secretary of the Interior on April 19, 1908.

Respectfully,

(SIGNED) *Tams Bixby.*
Chairman.

Cherokee freedman

R-635

Muskogee, Indian Territory, May 28, 1906.

Charles Williams,

Chelsea, Indian Territory.

Dear Sir:

You are hereby advised that the motion filed by your attorneys September 7, 1905, for a review in your Cherokee freedman enrollment case, was dismissed by the Department May 2, 1906.

Respectfully,

Commissioner.

WHP

Muskogee, Indian Territory, May 28, 1906.

Blus & Bulger,

attorneys for Eliza A. Arnold, et al.,
Muskogee, Indian Territory.

Gentlemen:

You are advised that this office is in receipt of Departmental letter of May 2, 1906, a copy of which is enclosed herewith, denying motions filed by you September 7, 1905 for review in the Cherokee freedmen enrollment cases of Eliza A. Arnold and others named in said letter.

Respectfully,

Commissioner.

ENC

Muskogee, Indian Territory, May 29, 1906,

Bell, Hastings & Davenport,

Attorneys for Cherokee Nation,

Vinita, Indian Territory.

Dear Sir:-

You are advised that this office is in receipt of Departmental letter of May 2, 1906, a copy of which is enclosed herewith, denying motions by Hane & Bulgar, filed September 7, 1905, for review in the Cherokee Freedmen enrollment cases of Eliza A. Arnold and others named in said letter.

Respectfully,

Commissioner.

LM3

3. 45473

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
JUN 1 1901

~~Chas. Williams~~

C7A473

Marriage License

of
Chas. Williams

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED

JUN 1 1901

Cherokee Nation

Conveyance of land

3

Be it remembered that I John Russell
Deputy Clerk of the Cherokee Nation by
The authority in that behalf by Law
This day, I caused a license of Marriage to
Chas Williams a Citizen of the United States
to Mary Maria Berry a Native Woman
claiming to be a Citizen of the Cherokee Nation
In the said Chas Williams having Oath
with the law in regard to Marriage
with White Men & Foreigners.

Therefore any order or decree of Judge
or any of the several Judges or Clerks and
by authorized to acknowledge the said
Marriage between the parties and
attach a Certificate of said Marriage
and return within thirty days for
Record to the undersigned Clerk &
of Office This 20 day of Apr
1884

John Russell
Deputy Clerk Cherokee Nation
West. Ch.

MEMORANDUM OF APPLICATION

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

CHEROKEE

FILED
JUN 1 1901

[Signature]
SPECIAL AGENT

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date

Post Office

District

Age

1. Name

Owner's name

Citizenship

Year

Page

No.

District

Parents:

Father

Mother

2. Name of wife

Owner's name

Citizenship

Year

Page

No.

District

Parents:

Father

Mother

Citizenship

Citizenship

Names of Children:

	Year	Page	No.	Dist.
3.				
4.				
5.				
6.				
7.				
8.				
9.				
10.				
11.				
12.				
13.				

Application made by

Stenographer

2 On Wallace roll, P. 149 * 310 2 - Co. 8

Mellette and Smith atty. for applicants.

Department of Transmission to the

erino,
ilized Tri
Davis, et al., as citiz

William Davis,
Henry Thomas,
Ella Vann,
Mary Markham,
Frances Melton,
John Dotson,
Mary Jane Vann,
Thomas Lowe,
Ella Mayfield,
Sallie Eider,
Reuben Campbell,
Van Jackson Luther,
Cassie Middleton,
Mary Harlin,
Nellie Fields,
John Kumbo,
William S. Madden,
Jane Bell,
Albert T. Thomas,
Mary Campbell,
Carolide Daniels,
Melvina Alberty,
Dave Morris,
Alexander Claggett,
Amanda Martin,
Eliza Martin,
John E. Barnes,
Bell Davis,
Samuel Brown,
Howard H. Watson,
Jack McConnell,
Maude Mulvey,

[illegible]

all in the
Cherokee Freedman D-400,
Cherokee Freedman D-411,
Cherokee Freedman D-420,
Cherokee Freedman D-431,
Cherokee Freedman D-440,
Cherokee Freedman D-450.

John Buckman,
James B. Barry,
James W. Bell,
Lawson Logan,
George Haskell,
Harry Mast,
George Adams,
Annie Thompson,
Louis McDonnell,
Callie Vane,
Lee Palmer,
Ida Adair,
Robert Brown,
Ida Charles,
Isaac Jones,
Alma Guster,
Katie Adair,
Carrie Martin,

[illegible]

[illegible]

David
Abraham Hallen
David Brown
William Hallen
Markie Vane
Mary Johnson

for himself; by Elizabeth Bowlin for her husband, John L. Bowlin; by John D. Davis for his wife, Katie Davis; by Charles Williams for himself; by John J. Rose for himself; by David Martin for his wife, Jane Martin; by Peter Peterson for his wife, Lena Peterson; by Martha Vothard for her husband, John Vothard; by Joseph Harns for himself; Malinda Hays; by John Hest for himself; by Steve Looney for NANCY ROSS; by Charles C. Smith for himself; by James Colbert for his wife, Susie Colbert; by Rosanna Skaggs for her husband, William Skaggs; by Sule Johnson for herself; by Alfred P. Hopkins for himself; by Charles Vann for his wife, Kizzie Vann; by JEFF EBBERT for his wife, Freddie Ebbert; by Lucy Johnson for herself; by Alice Duncanson for herself; by Alonzo Ward for his wife, Mahaley Ward; by Fred D. Thomas for himself; by Benjamin Beck for his wife, Bettie Beck; by Ella Warren for herself; by William Henry Robinson for his wife, Millie Robinson; by John W. Wether for his wife, Andy Wether; by Otto Harns for his wife, Fannie Harns; by Ed Miller for his wife, Mary Miller; by Ernest Taylor for himself; by Mary Saxon for herself; by Larkin P. Powell for himself; by Steppay Dawn for himself; by Ellie Vann for his wife, Malinda Vann; by David Johnson for his wife, Frances Johnson; by Philip Foster for his wife, Annie Foster; by Houston Rogers for his wife, Mary Rogers; by George Washington Lane for himself; by Silas Homan for his wife, Jane Homan; by Samuel J. Young for himself; by Lizzie Buckner for her husband, John Buckner; by Sarah Cox for her husband, Willis Cox; by Susan Bowles for her husband, Leonard Bowles; by Henry Murrell for his wife, Malinda Murrell; by Charles Claggott for himself; by Charles H. Morison; by David Ross for his wife, Mary Ross; by George H. Hays for his wife, Maggie Hays; by Lewis Archer for his wife, Emma Nave; by Perry Ross for his wife, Ella Ross; by Elizabeth Duncan for herself; by Perry Adams for his wife, Sadie Adams; by Thomas Archer for his wife, Georgann Archer; by Nancy Claggott for her husband, George Claggott; by Abby Sauer for his wife, Hattie Sauer; by John Sander for himself; by John Sander for himself; by Mary Hensley for her husband, George Hensley; by George Went for his wife, Lizzie West; by Maria French for herself; by Mary Johnson for herself; by Maggie Vann for herself; by William Hudson for himself; by Sarah Rogers for herself; by Abraham Benson for himself; by King David for his wife, Leah David; by John Dickman for himself; by James B. Pugh for himself; by James Welch for himself; by Nancy Livingston for her husband, Lawson Jones; by Maria Howell for her husband, George Howell; by Amanda Masir for her husband, Henry Masir; by Katie Adams for her husband, George Adams; by Willie Thomas for his wife, Annie Thomas; by Lewis McCosdon for himself; by John Vann for his wife, Catherine Vann; by Lou Chambers for herself; by Robert Adair for his wife, Ella Adams; by Janie Brown for her husband, Robert Brown; by Mat Chambers for his wife, Allie Chambers; by Rachel Jones for her husband, Isom Jones; by Lewis Gunter for his wife, Allie Gunter; by Amos Adair for his wife, Katie Adair; by William H. Warrth for his wife, Carrie Warrth; by Benjamin Clark for himself; by Emily Ebbert for herself; by Henry George for her husband, John George; by Dallas McNitt for his wife, Malinda McNitt; by Belle Vann for herself; by Nelson Lett for himself; by Allen Rogers for his wife, Fannie Rogers; by William Washington for himself; by Squire Warren Owens for himself; by Fannie Goldsby for herself; by Charles Dantley for his wife, Susan Dantley; by Rachel Turk for her husband, Anderson Turk; by David Smith for himself; by Fannie McNitt for herself; by Edward Jones for himself; by Isaac Vann for his wife, Belle Vann; by Maggie Stroud for her husband, Levi Stroud; by John Sumpter for himself; by Mariah Thompson for herself; by Ellen Sheppard for herself; and by Lula Melton for herself, claiming their right thereto by virtue of their marriage to Freedmen Cherokee citizens.

The record further shows that none of the applicants herein make any claim to enrollment as off-sets of the Cherokee Nation other than as set forth above.

It further appears from the record herein that at the time applications were made for the enrollment of the above named applicants, applications were also made for the enrollment of other applicants as Cherokee Freedmen, but said applications being differently situated are not included in this decision.

It does not appear that any of the applicants herein are included upon the 1880 "Authenticated Cherokee Roll," nor does it appear that any of said applicants has ever been admitted to Cherokee citizenship by a duly constituted court or committee of the Cherokee Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States District Court for the District of Oklahoma, under the provisions of the Act of Congress approved June 10, 1896, (29 Stat., 581).

It is, therefore, the opinion of this Commission that, following the ruling of the Department in the case of Lemuel Welcome, (I. T. D. 8518-1864, 12,776-1867), the applications made for the enrollment of William Davis, Henry Thomas, Ella Vann, Mary Markham, Frances Helton, John Dotson, Mary Jane Vann, Thomas Lowe, Ella Mayfeld, Sallie Rider, Rebecca Campbell, Van Jackson, Luther, Gustie Middleton, Mary Barber, Nellie Fields, John Elmer, William B. Madden, Jane Davis, Albert T. Thomas, Mary Campbell, Caroline Daniels, Melvina Albert, Dave Morris, Alexander Cleggott, Amanda Martin, Eliza Martin, John E. Baman, Bell Davis, Susan Brown, Howard F. Watson, Jack McConnell, Maudie Massey, George Reed, G. B. Beck, Edmunds, Ben Thompson, Lewis Scott, Abe Scott, Ender Lampton, Thomas E. Allen, Lewis Vanderford, John L. Brown, Sallie Davis, Charles Williams, John J. Rose, Jane Martin, Lena Peterson, Alex Johnson, Martha Vann, John Scott, Nancy Ross, Charles G. Smith, Gustie Outcher, William Shaggs, Sallie Abbott, Alfred P. Hopkins, Klara Vann, Freddie Levey, Lucy Choate, Alice Dargatz, Mahaley Ward, Fred D. Thomas, Bettie Beck, Ella Warren, Milla Robinson, Mary Weber, Frances Martin, Mary Riley, Emanuel Taylor, Henry Sykes, Larkin B. Howell, George Davis, Melinda Vann, Frances Johnson, Annie Foster, Mary H. Rogers, George Washington Lane, Jane Brown, Samuel L. Young, John Beckner, Willie Cox, Leonard Bowles, Melinda Marshall, Charles Cleggott, Samuel Irwin, Mary Rose, Maggie Nave, Neoma Nave, Ella Rose, Elizabeth Dabbs, Sallie Adams, Georgeann Archer, John Cleggott, Hattie Smith, Jack Jackson, Lena Sanders, George Hunsley, Linnie West, Wirta French, Mary Johnson, Maggie Vann, William Hudson, Sarah Rogers, Abraham Ballard, Lena Davis, John Beckman, James B. Parry, Isaac Welch, Lawrence Logan, George Howell, Henry Mack, George Adams, Anna Thomas, Lewis McConnell, Cattie Vann, Lou Pitts, Ida Adair, Robert Brown, Annie Chambers, Leon Jones, Alice Gunter, Katie Adair, Carrie Martin, Benjamin Clark, Emily Looney, John Graves, Matilda McNair, Bettie Vann, Nelson Lett, Fannie Rogers, William Washington,

Warren Owen, Fannie Goldsby, Sam Davis, Anderson Turk, David Lane, Fella McClain, Rebecca Jones, Belle Vann, Levi Streed, John Sumpter, Mariah Thompson, Ellen Chappard and Lou Helton, as Cherokee citizens by intermarriage, should be denied, under the provisions of section 2205 of the Act of Congress approved June 22, 1890, (26 Stat., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

[SIGNED] TAMS RIXBY, Chairman.
[SIGNED] T. B. NEEDLES, Commissioner.
[SIGNED] O. R. BRIDGEMAN, Commissioner.

MUSKOGEE, INDIAN TERRITORY, JANUARY 19, 1906.

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

Mr. Charles Williams,

Chelsea, I.T.

Cherokee F-D-473

Register.

TAMS BIXBY,

T. B. NEEDLES,

C. R. BRECKINRIDGE,

Commissioners.

Cher. Fr. R. 636

. Trans. from F. D. 474

Cher. Fr. R. 636

To whom it may concern,

To the best of my recollection while I was clerk of Cooweescoowee District in the year of 1874 I issued a license to Chas. C. Smith, Cold, a citizen of the United States, a license to marry a Cherokee Freedman, a citizen of the Cherokee Nation.

Given this the 6th day of August 1897.

D.W. Lipe Ex Clerk,
Cooweescoowee District, Cherokee Nation

I hereby certify that the above is a true copy of the original known. Recorded this the 7th day of August, 1897.

Joe M. Leahy, Clerk
Cooweescoowee Dist., By R. Lee Comer, Dept.
Clk.

Chelsea I.T.

Personally appeared before me, John Rose a man of legal age and good standing who duly swears that he was present when District Clerk D.W. Lipe gave an issued to Charles C. Smith, a marriage license to marry a Freedman who was a citizen of this the Cherokee Nation.

his
John I Rose
mark

Witness,
L.A. Bell.

Subscribed and sworn to before me this 6th day of August, 1897.
Geo.F. Hays, Notary Public.

I hereby certify the above to be a true copy of the original recorded this 8/7 '97.

Joe M. La Hay Clerk

By R. Lee Comer, Dept. Clk, Cooweescoowee Dist.
C.N.

Executive Office Cherokee Nation,
Tahlequah, I.T.

I, B.W. Alberty, Assistant Executive Secretary of the Cherokee Nation do hereby certify that the foregoing is a true copy taken from the marriage record of Cooweescoowee District, Cherokee Nation, now filed in this office by law and in my custody. Given under my hand and the seal of the Cherokee Nation this 2 day of October 1901.

B.W. Alberty, Asst. Ex.
Secretary Cher. Nation.

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, I. T., August 20, 1902.

I, the undersigned, do hereby certify that the above and foregoing is a true and correct copy of the original offered in evidence in the matter of the application for enrollment of Charles C. Smith, et. al. as citizens of the Cherokee Nation.

Commissioner.

DEPARTMENT OF THE INTERIOR.

In the matter of the application for the enrollment of Robert Rose et al as Cherokee Freedmen, consolidating the applications of:

Robert Rose et al,	Cherokee Freedmen D 474,
Jane Smith et al,	Cherokee Freedmen D 514,
Emily Nolan et al,	Cherokee Freedmen D 511,
Pearl Smith,	Cherokee Freedmen D 515,
Matilda Smith,	Cherokee Freedmen D 516,
Mary Blackburn et al,	Cherokee Freedmen D. 517,
Charles Rose,	Cherokee Freedmen D 518,
James Colbert et al,	Cherokee Freedmen D 520,
Geneva Lynch et al,	Cherokee Freedmen D 521,
William Rose,	Cherokee Freedmen D 804,
Daisy Rose,	Cherokee Freedmen R 122,
Elmira Smith,	Cherokee Freedmen D 882,
Cora Morris et al,	Cherokee Freedmen D 888.

M-O-T-I-O-N

FOR RE-VIEW AND TO RE-OPEN.

Come now the applicants herein, by their attorneys Roy T. Osborn and William J. Sullivan, and move the Honorable Secretary of the Interior to review the decisions heretofore rendered in their said cases and that said cases be re-opened for the admission of additional evidence.

STATEMENT OF RECORDS.

From the records in this case it appears that on March 6, 1905, there was filed with the Department at Washington, D.C., a motion to re-open this case, together with affidavits in support of said motion; that said affidavits included the affidavits of:

John J. Rose
Charles Campbell
Ed. Campbell
John Reese
Josephine C. Ramms
Susan A. Walker
David Logan

that thereafter "Argument in opposition to the motion to re-open" was filed by the attorneys for the Cherokee Nation; that thereafter the attorneys for the applicants filed herein their "Reply" to the argument

of the attorneys for the Cherokee Nation in opposition to the motion to re-open said cause; that on January 24, 1907, a copy of each and every pleading and paper filed on behalf of applicants was properly served on the attorneys for the Cherokee Nation; that on January 24, 1907, the Department rendered its decision denying said motion to re-open, stating that: "The motion now before the Department and the affidavits filed in support thereof present no new question of law or fact not shown to have been passed upon by the Department. The motion is accordingly denied."

ASSIGNMENT OF ERRORS.

1. The decision herein is contrary to law.
2. The decision herein is contrary to the law and the evidence.
3. The decision is based upon an incomplete record.
4. The decision herein erroneously states the facts.

BRIEF AND ARGUMENT.

The motion herein was filed March 8, 1905; decision by the Department was rendered thereon January 24, 1907: nearly two years elapsed.

Under date of February 9, 1905, the Department acknowledged receipt of a letter from one of the applicants, dated January 25, 1905, in which attention was called to the omission from the records in the original case of the testimony of John Snow and David Logan. In the motion filed herein March 8, 1905, especial stress was laid on the omission from the records of the testimony of said Snow and Logan. Affidavits were filed therewith showing that said witnesses testified in said case; that they testified in behalf of said applicants; that their testimony was material to applicants' case; that the testimony of said David Logan absolutely impeached the testimony of one Hattie Drake

of the Cherokee Nation, the latter being a witness on whose testimony the original decision turned; and that the rights of these applicants were prejudiced by these omissions.

We assume that it is unnecessary to cite authorities in support of the well known proposition of law and practice that on an incomplete record - especially when the omissions are of testimony material to the rights of a party to the controversy - a final decision should not be rendered. The least that could be expected is a return of the incomplete record with instructions that its defects be remedied and the omissions supplied; even to the re-opening of the case that the missing evidence might be supplied.

We know of no other court in the land that, after its attention had been directed thereto, would render a final decision upon an incomplete record. Yet a final decision has been rendered in the case at bar after the attention of the Department had, by motion, argument, affidavits and otherwise, been directed to the incompleteness of the record herein. The representatives of the Cherokee Nation have never contended that the record herein was complete.

For these reasons, if for no other, this case should have been, and should yet be, re-opened. We contend, therefore, that the decision is contrary to law.

This question of an incomplete record was not passed upon either by the Commission in its decision of March 11, 1904, or of the Department in its decision of December 3, 1904. The first time the Department ever had an opportunity to pass thereon, or the first time the question was ever formally presented for decision was in the motion of March 6, 1905; and yet/its decision of January 24, 1907, in passing on the last mentioned motion, the Department says: "The motion now before the Department and the affidavits filed in support thereof present no new question of law or fact not shown to have been passed upon by the Department. The motion is accordingly denied."

In this particular we think the decision erroneously states the facts.

Furthermore, there were presented in support of the motion of March 6, 1905, the affidavits of Josephine G. Rasmus and Susan A. Walker, daughters of the owners of Matilda Gilbert (nee Dannenberg) and her minor children - principal applicants herein -, showing the time of the return of said applicants to Indian Territory to have been within the time specified in the decree of the Court of Claims. This evidence was never passed upon by the Department prior to its decision of January 24, 1907; and yet the decision states: " The motion now before the Department and the affidavits filed in support thereof present no new question of law or fact not shown to have been passed upon by the Department. The motion is accordingly denied."

In this particular, also, we think the decision erroneously states the facts.

In the original decision of the then Commission to the Five Tribes it was contended that, merely because the applicants did not return until after January 19, 1867, they should not be enrolled. This decision was dated March 11, 1904, and was affirmed by the Department. Since then a later date has been established as the limit on return. New questions, both of law and of fact, were therefore presented for the Department's consideration in the motion of March 6, 1905.

In this particular, therefore, we contend the decision of January 24, 1907, is contrary to the law and the evidence, when it states: " The motion now before the Department and the affidavits filed in support thereof present no new question of law or fact not shown to have been passed upon by the Department. The motion is accordingly denied."

By the testimony of Hattie Drake, for the Cherokee Nation, the principal applicants herein were residents of Lawrence, Kansas, at the close of the war of the rebellion and for a long period thereafter. (We do not contend that they returned to Indian Territory before the close of said war.)

By the testimony of Jonathan Jones, for the Cherokee Nation, the principal applicants herein were residents of Topeka, Kansas, in

1868, and for several years thereafter. (We do not contend that they returned to Indian Territory before the close of said war.)

Evidently, one of these witnesses for the Cherokee Nation is mistaken; and yet the Commission in its decision of March 11, 1904, found no difficulty in reconciling the testimony of these two witnesses, even going so far as to find that their "testimony is corroborated by other circumstances." We believe the testimony of neither one of these witnesses is worthy of credence, especially in the light of the affidavits filed in support of applicants' motion.

Grant that Matilda Colbert (nee Dannenberg) was married in Topeka, Kansas, February 6, 1869, and is described in the marriage license as "Matilda Deninburg of Topeka," that is not conclusive evidence of her residence in Topeka. It is not any evidence at all. It is merely a circumstance, gathered from a great distance, and quoted in the decision in this case in an effort to support the testimony of a witness for the Cherokee Nation, whose testimony is absolutely contradicted by another witness for the Cherokee Nation.

The opinion may be ventured safely that outside of the post offices of Kansas, Missouri and Arkansas, 1/10 of the residents of the Cherokee Nation in 1869 did not, and could not, have a post office address in Indian Territory; and thousands of them then, as to-day, received their mail at Coffeyville, Kansas, and other border towns within the states. For an address, one town answered as well as another; but a post office address or place of marriage did not serve to establish and determine residence. The law does not contemplate that residence shall be established or determined in this manner.

The decision is contrary to law, and is not supported by the evidence.

We can conceive of no one whose rights would in any way be prejudiced or jeopardized if this case were re-opened. But we can readily believe that the ends of justice would be furthered, and just rights protected, by the opening of this case, and by giving applicants an opportunity to present their evidence.

Questions of equity are involved in this case. It appeals to us, and we believe that it will to the Department, that the Department occupies in large measure in such cases the position of a court of equity. It has an opportunity in the case at bar to exercise the prerogatives of such court. The applicants have been denied upon an incomplete and imperfect record. It is not for us to say whose is the fault for such omissions; but we have no hesitancy in asserting that the fault is not the applicants'. They have never handled or controlled this record - have no power or authority over it, and feel that they should not have to pay the penalty for errors not their own.

In this matter the exercise of power and authority, the interpretation and application of the law, the consideration of the evidence, and the doing of equity are all with the Department. May the findings be equitable rather than technical.

Wherefore, applicants respectfully pray for a re-view of the decisions heretofore rendered herein, and that this cause may be reopened for the correction of the record and the introduction of additional evidence.

Respectfully submitted,

Ray L. Osborn and

W. J. Sullivan

Attorneys for Applicants.

DEPARTMENT OF THE INTERIOR.

State of Kansas, }
Montgomery County, } SS.

AFFIDAVIT.

Roy T. Osborn, of lawful age being first duly sworn, on his oath states that on the 26th day of February, 1907, he deposited with the proper official in the post office at Coffeyville, Kansas, for transmission by registered mail, an envelope addressed to the Attorneys for the Cherokee Nation at Muskogee, Indian Territory, which said envelope contained a carbon copy of the foregoing motion; that he took a registry receipt therefor, which said receipt is attached to the affidavit accompanying the motion herein which was sent this day by registered mail to the Secretary of the Interior.

Roy T. Osborn

Sworn to and subscribed before me, a Notary Public within and for the County and State aforesaid, this 26th day of February, 1907.

R. M. Hawthorne
Notary Public.

My commission expires the 24th day of November, 1910.

Cherokee Freedmen B 474.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, I. T., January 18, 1904.

S U P P L E M E N T A L S T A T E M E N T .

Copies of the testimony taken at various times in the matter of the application of Harry Still for enrollment as a Cherokee Freedman, Cherokee Freedmen Field Card No. 876, are ordered filed with and made a part of the record in this case.



Commissioner.

**DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.**

In the matter of the application for the enrollment of Robert Rose, et al., as Cherokee freedmen, consolidating the application of:

Robert Rose, et al.,	Cherokee Freedmen D 474,
Jane Smith, et al.,	Cherokee freedmen D 514,
Emily Nolen, et al.,	Cherokee freedmen D 511,
Pearl Smith,	Cherokee freedmen D 515,
Matilda Smith,	Cherokee freedmen D 516,
Mary Blackburn, et al.,	Cherokee freedmen D 517,
Charles Rose,	Cherokee Freedmen D 518,
James Colbert, et al.,	Cherokee Freedmen D 520,
Geneva Lynch, et al.,	Cherokee freedmen D 521,
William Rose,	Cherokee freedmen D 504,
Daisy Rose,	Cherokee freedmen R 132,
Elmer Smith,	Cherokee Freedmen D 882,
Cora Morris, et al.,	Cherokee Freedmen D 883.

The representatives of the Cherokee Nation have been served with a copy of an affidavit of David Logan in the above styled cases by the attorneys of record for the applicants for what purpose the affidavit does not state, nor can the representatives of the Cherokee Nation surmise. They, therefore, object and protest against the admission of ex parte evidence before the Department in a case which has been passed upon by the Commissioner to the Five Civilized Tribes. They respectfully submit that the affidavit transmitted by the attorneys for applicants to the Department of David Logan should be returned to them and should not be filed and made a part of the record in the case.

Respectfully submitted,

Signed *Bill Hastings* *Lawyer*
Attorneys for the Cherokee Nation.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T. May 9, 1901.

In the matter of the application of Aaron Webber for enrollment as a Cherokee Freedman.
Aaron Webber, being duly sworn and examined by Commissioner Needles, testified as follows:

- Q What is your name? A Aaron Webber.
Q How old are you? A 36 I think.
Q What is your post office address? A Wymer, Cherokee Nation.
Q What district do you live in? A Cooweescoowee district.
Q Do you apply to be enrolled as a Cherokee Freedman? A Yes, sir.
Q Do you want to enroll anybody besides yourself? A Just myself.
Q Have you ever applied to be enrolled by any other tribe or Nation besides the Cherokee Nation? A Yes, sir, the Clifton Court and the Wallace Court.
Q The you apply to any other Nation, the Creeks? A No, sir.
Q Never drew any money from any other Nation? A No, sir, I didn't.
Q Have you been recognized by the Cherokee authorities as a Cherokee citizen? A Yes, sir.
Q Is your name on the roll of 1880? A It is on this roll here Mr. Bledsoe has got here; I ~~mean~~ come with my brother Sam Webber.
Q Is your name on the roll of 1880? A No, sir.
Q Did you ever draw your strip payment money? A Yes, sir.
Q How much did you draw? A \$15.50, and then I drew this other payment, this last payment, I drew it.
Q You drew the last payment? A Yes, sir.
The 1880 authenticated roll of Cherokee Freedmen examined and the applicant not identified thereon.
The 1896 census roll of Cherokee Freedmen examined and the applicant not identified thereon.
The Kerns-Clifton roll examined, and the applicant identified thereon, page 126, No. 315, Cooweescoowee district.
Q Were you a slave before the war? A Yes, sir.
Q Who did you belong to? A Takie Webber.
Q Was she a Cherokee citizen? A Yes, sir.
Q Where did you go during the war? A Went to Kansas.
Q When did you come back from Kansas? A Came back in 1866.
Q You been living here ever since? A Yes, sir.
Q Are you married? A No, sir.
Q Ever been married? A No, sir.
Q Got no children then? A No, sir, I haven't.
Q You are certain you came back in 1866? A Yes, sir, I did.
Q Who did you come back with? A Sam Webber and my father.
Q Why is your name not on the roll of 1880? A Why I can't tell you about that.
Q Did you ever try to have it put on? A Yes, sir.
Q They refused to do it? A Yes, sir, must have, for it aint there.
Mr. W. W. Hastings; attorney for Cherokee Nation: You say you returned with your brother Sam? A Yes, sir, I did.
Q Did you come the first time he came out here? A Yes, sir, I did.
Q What time of the year was it? A '66.
Q What time in the year '66? A Well you see I can't read and I can't write, I didn't keep no count of the days and the months because my owner's didn't give me time to get my education.
Commissioner: Was it in the fall or summer? A It was along in March when I came back in 1866.
Mr. Hastings: Was it the March after the treaty was made? A Yes, sir.
Q You are certain of that? A Yes, sir, I am.
Q And you came back with him at that time? A Yes, sir.
Q Did he bring his family along then? A Yes, sir.
Q His wife and children? A Yes, sir.
Q He had already been out there and put up a house? A Yes, sir, I had come out before that and I come with him, and we put up a house and I came back with him in '66.

Q The first time you came back was in March after the treaty was made? A Yes, sir, that is when we moved there.

Q How long before that was it when you came out? A I can't give the days of the months, how long it was we came out, but we came and put up a house one fall and went back and came right on down.

Q About how long did you stay out here when you had put up the building? A We stayed three or four days and then went right back and moved down.

Q What kind of buildings did you put up? A We put up a log cabin.

Q Out on Big Creek? A Yes, sir.

Q How far from where Sam Now lives? A Sam lives on the north side of Nowata and we live up there on Big Creek, I can't tell you exactly how many miles, but he lives at Nowata and we live up there on Big Creek.

Q What old citizen lives near where you first located, where you first located when you first moved out? A There isn't anybody lives there now.

Q Name some old citizen who lives at the place now where you located then? A Sam Webber.

Q Does Sam Webber live at that place now? A He did live there but he don't live there now.

Q Who lives at the place Sam and you came to? A The Meigs and Whitmires and Sanders, and a whole lot of them.

Q You have lived there ever since? A Yes, sir.

Q You came out in wagons the first time? A Yes, sir, because Sam Webber drove the ox wagon and I drove the horse wagon.

Q Do you know anything about dates? A I know when they say the year is out, and this year is in.

Q What year is this? A If I am not mistaken I think this is May.

Q The year though? A I can't tell you exactly what year it is, because I am not educated like you smart man.

Q You are satisfied in '66 you came here in March? A Yes, sir.

Commissioner Do you know when the treaty was adopted, know what month it was adopted in, the treaty; you told Mr. Hastings you came here the march after the treaty was adopted, you don't know what month in 1866 the treaty was adopted? A No, sir, I don't.

Q Have you got any witnesses? A Yes, sir, Sam Webber, and Abe Hare.

Sam Webber, being duly sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A Sam Webber.

Q What is your age? A About '58, somewhere nearabout that.

Q What is your post office address? A Nowata.

Q Are you a recognized citizen of the Cherokee Nation? A Yes, sir.

Q Your name on the 1860 roll? A Yes, sir.

Q Do you know Aaron Webber? A Yes, sir.

Q Is he any relation to you? A He is my brother.

Q Was he a slave? A Yes, sir.

Q To whom did he belong? A Fakis Webber.

Q Was she a Cherokee citizen? A Yes, sir.

Q By blood? A Yes, sir.

Q Where was he during the war? A He was with us in Kansas.

Q When did he come back? A He came with us when we came back in July.

Q You came in July from Kansas and he came with you? A Yes, sir.

Q What year was that in? A In 1866.

Q He was a slave the same as you? A Yes, sir, same as me, with the same owners.

Q Ought to be entitled to the same rights you have got? A Yes, sir, have just the same right, belonged to the same parties too.

Mr. Hastings: Q What time of the year was it you say you brought him back? A We came in July and built houses and went back and moved down.

Q You had heard of the treaty passed? A We came right in the same month the treaty was made in because we overtook the delegates

at Fort Scott.

Q You had heard of the treaty before you left there? A As soon as we arrived at Fort Scott and talked to them, and they told us they had made a good treaty.

Q And you came on down and he came with you? A Yes, sir.

Q Did you bring your families at that time? A I didn't have any family then.

Q The rest of the people, they come along? A Yes, sir, I was small myself, I was with father, we came and built and went and moved some of them after that.

Q How long did you stay down there at this time? A I didn't stay long, I couldn't tell you just how long we really stayed, we didn't stay only long enough to find claims and cut logs and build shanties.

Q Who lives up there at the place that you located, now? A Reuben Sanders lives right where I built my house, he is living there to-day Mr. Bell: Where did you start from when you started from Kansas down to Big Creek? A Started from a little creek six miles south of Mound, said to be about twenty miles north of Fort Scott.

Q Had you started to the Cherokee Nation when you came across these delegates at Fort Scott? A Yes, sir.

Q What was your notion about starting? A I had been down here and looked through the country and went back and told them the war was over here as well as everywhere else, and let's come home.

Q You hadn't started then with a view to saving your rights here under the treaty? A We didn't know nothing about the treaty, it wasn't made when we started as we knowed of, until we got to Fort Scott, and we saw the delegates.

Q What time was that? A Along in the last part of July, the last week in July, as near as I can remember.

Commissioner: When Aaron says he came in March he is mistaken?

A He is mistaken, he don't know dates; he is not bright enough to know dates.

Abraham Hare, being duly sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A Abraham Hare.

Q How old are you? A About 70.

Q What is your post office? A Wymer.

Q Are you a Cherokee Freedman? A Yes, sir, claim to be.

Q Your name is not on the roll of 1880, is it? A No, sir.

Q Were you a slave? A Yes, sir.

Q What was your owner's name? A Arlie Hare.

Q Do you know Aaron Webber? A Yes, sir.

Q Was he a slave? A Yes, sir.

Q To whom did he belong? A Takie Webber.

Q Well, did you know Aaron Webber before the war? A Yes, sir.

Q Did he go out of the Cherokee Nation during the war? A Yes, sir.

Q Did you go out? A Yes, sir.

Q What made you colored people go out during the war? A We couldn't stay here.

Q Thought it was safer to go out? A Yes, sir, I had to go out.

Q Why couldn't you stay here? A They wouldn't let us.

Q Who wouldn't let you? A The Rebels and the Yankees neither one.

Q Where was Aaron Webber during the war? A He was with my father up in Kansas.

Q When did he come back? A He come back in the fall of '66.

Q How do you know? A I come with him.

Q And you came at that time? A Yes, sir.

Q Have you known Aaron Webber since that time? A Yes, sir.

Q Has he always lived in the Cherokee Nation? A Yes, sir, lives right by me now.

Mr. Hastings: Your rights are disputed? A Yes, sir, same as his.

Q You were in here this morning; your case was presented?

A Yes, sir.

Commissioner: Aaron Webber applies for the enrollment of himself as a Cherokee Freedman. His name does not appear upon the authenticated roll of 1885, but does appear upon the Kerns-Clifton pay-roll. By reason of the protest of the Cherokee Nation the name of Aaron Webber will be placed upon a doubtful card awaiting further consideration of the Commission.

~~CONFIDENTIAL~~

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C. Jones.

Sworn to and subscribed before me this the 10th of May, 1901.

C. R. Breckinridge,

Commissioner.

.....
Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T. October, 29th, 1901.

SUPPLEMENTAL TESTIMONY in the matter of the application of Joe Ross
C. F. D. 350.

Appearances:

W. W. Hastings for the Cherokee Nation.
Mellette & Smith for the applicants:

DOUGLAS WALKER, being first duly sworn by Commissioner C. R. Breckinridge, testified as follows for the Cherokee Nation.
(By the Commission)

- Q Give me your full name? A Douglas Walker.
Q How old are you? A 50.
Q What is your post office? A Mound City, Kansas.

(By Hastings)

Q How long have you lived in Mound City, Kansas? A Since May 1857.

Q What was your father's name? A James Walker.

Q What was your mother's name? A Miana Walker.

Q Was your father and mother here the first of the month? A Yes sir.

Q They testified in this matter at that time did they? A Yes sir.

Q Do you know Samuel Webber? A Yes sir.

Q Did you know his son Samuel Webber? A Yes sir.

Q Where did you know them? A Near Mound city, Kansas, in the neighborhood where I live.

Q Do you know the applicant here, Joe Ross? A I knew him as Joe Webber.

Q Is the the same fellow? (pointing) A Yes sir.

Q Where was he living at the time? A He lived with the older Sam Webber at the time.

Q You know this applicant here is the same party? A Yes sir.

Q Did you know a woman named Chlora? A Yes sir.

Q What relation was she to Joe Ross? A Sister.

Q Did you know Aaron Webber a little duck legged fellow? A Yes sir

Q Where did you know him? A In the same family in Mound City, Kansas, Linn County.

Q Whose farm did Samuel Webber live on, if you know? A He lived on a farm that belonged to a man named Jeff Flemmings.

Q I mean in the year 1866? A My father bought the farm.

Q Of whom did he purchase the farm? A Of Flemmings.

Q Do you know where young Sam Webber was married? A He was married there in Linn County, near Mound City, in the neighborhood there, where I was living.

Q Did he marry before or after he moved from that country? A Before he moved.

Q Mr. Walker, have you looked up the date of when your father purchased that farm? A Yes sir.

Q The date of the deed? A Yes sir.

Q What was that date? A The date of the deed is October '66.

(By Mr. Smith) Object to that if you have not the deed.

(By Mr. Hastings) Have you looked up the date? A Yes sir, but have forgotten the exact date as to days.

Q At that time, where was Sam Webber living? A On this farm that father purchased.

Q Where was young Sam living, at the time he married? A On this farm on the same place.

Q What is your best judgment as to the time Sam Webber, including Joe Ross, Chlora Grayson and Aaron Webber left that country with their women folks and come to this country? A According to my best recollection it was the latter part of February or early in March of '67, I can't state exactly the month; early in the spring of '67 though.

Q Did they all move down at the same time? A All started together.

Q left there together? A Yes sir.

(By Mr. Smith)

Q You say you know that this applicant in this case is the same man that you knew at that time in Kansas as Joe Webber? A Yes sir.

Q How did you know it? A I recognized his countenance as one man knows another.

Q How? A Well I saw him.

Q When? A To day.

Q Where? A On the street.

Q And you knew him as Joe Webber? A Yes sir, the name Joe Ross was not used much.

Q When did you first become acquainted with old man Sam Webber? A In '63 he moved on that farm.

Q Which farm? A The farm my father bought in the neighborhood where I lived, the old Flemming farm.

Q When did your father buy that farm? A In the fall of '66, I have forgotten the exact day, in October or September.

Q Who owned the farm at the time old man Sam Webber was on it? A Jeff Flemming owned it until my father bought it.

Q How do you know it was '63 that you became acquainted with Sam Webber? A I remember that it was during the last years of the war and the refugees were coming into Kansas, both white and black, in '63 and they were amongst them.

Q Did any come after '63? A Yes sir some came later and some come earlier, and I remember again by this farm, I remember how long they farmed it before we got it.

Q How long? A Three years--four years in the spring of '67.

Q They farmed it four years before your father got it? A They farmed from '63 to '67.

Q You say the reason you know that you knew this man in '63 was because you know how long they worked this farm before your father got it? A Yes sir.

Q You say it was in September of 1867 that your father bought that farm? A In '66.

Q You are positive about that? A Yes sir we got possession the first of March '67.

Q Did old man Sam Webber rent this place from your father? A No sir he rented it from Flemmings.

Q Did Sam Webber, the old man and the boys, come down here or leave that country in the fall of '65? A I think not.

Q Dont you remember that they did and that the old man came back by himself one time? A If my memory serve me, it was in '66, late in the summer, or early in the fall of '66.

Q What was in the fall of '68? A That they came down here--started away from there.

Q Who came then? A Sam Webber, the old man, and young Sam and Aaron.

Q What is your recollection as to how long they staid? A They came back I think in November or late in October.

Q Well which came back first? A Why I think the older Sam Webber came first.

Q How long do you think it was before you saw Sam Webber Jr. Again?

Q Well, it was a short time, a month or so--I can't recollect that, it is a good while ago.

Q Who helped Sam Webber make a crop in '66? A Johnson Webber and the old man Sam made a crop in '66.

Q Who helped him? A Them two and the little boys I think worked too; Aaron did, I dont know but as Joe did too, I dont remember much about that.

Q Where was old man Sam Webber in July 1866? A That summer he raised that crop and worked part of the summer for my father on this farm.

Q Is it not a fact that in July of 1866 that Sam Webber Jr. came here for his father and that they left there for this country to build some houses? A That is not the way I remember it.

Q You have stated that it was a long time ago, do you think that you remember the dated absolutely? A Not to the day or month exactly, but that is my best recollection.

Q Are you testifying to the best of your recollection? A Yes sir.

Q Do you remember of Sam Webber Jr. bringing any hides to that country?

A Yes sir.

Q When was that? A In the fall or beginning of the winter of '66 and '7 he brought some hides and furs.

Q To refresh your memory, was it not in March? A March when?

Q '66? A No sir.

Q Upon what trip was that that he brought those hides? A He left and said he was coming down on a hunting trip.

Q Was that the trip when he left Kansas and when old Sam returned first that you spoke of a while ago? A Yes sir, that was the one, the same trip.

Q Do you remember of Sam Webber selling out a crop up here? A I dont.

Q Do you remember of them leaving there to come to the Territory to build some houses? A Yes sir.

Q Was that after the time that he brought the hides there? A It was that trip that he left there for the purpose of building some houses that he brought the hides when he returned.

Q Dont you remember of them leaving there to come to the Territory for the purpose of building houses? A Well that was wither in the spring or winter, in the latter part of February or early in March I have not given the matter any considerable study.

Q How do you fix the dates you have given? A I remember them and then by the dates I have looked up..

Q What dates have you looked up? A The purchasing of this land.

Q Are you testifying from the date of the purchase of that land? A Father bought the place in the spring of '66 on condition and paid \$80 down, or traded cattle, as a forfeit, and in the fall he got some money and got full possession of the place; Webber had possession until the first of March, that is the Kansas law, from the first of March one year until the first of March the next year; they had possession of it until March first 1867.

Q Mr. Walker, when you had occasion to investigate this matter, you had forgotten all about it practically hadn't you? A No sir, but it was something I had not thought much of.

Q You couldn't have told on the moment what year Sam Webber left there could you? A I would have had to look at the dates.

Q Then you are not testifying from your recollection, but from the dates that you have looked up since? A Part of it is from recollection and part of it is from looking up the dates.

Q How long has it been since you thought of the time Sam Webber left that country before you made this investigation? A I was asked the question as to when they moved and I hadn't given the matter any thought till then.

Q You didn't know then did you? A Yes sir after I thought it over.

Q How long did it take you to think it over? A I dont exactly remember.

Q Can't you give us some idea of it? A 2 or 3 weeks.

Q Were you here when your father testified in this case? A Yes sir

Q Did you know as much about it then as you do now? A No sir.

Q How long was that from the time you had first been spoke to about the date? A I had not expected then to give testimony in this case and had not thought much about it.

Q What were you doing here then? A I was subpoenaed in another case.

Q You had been talking about this case then? A Not much.

Q How much? A A word or two.

Q And you were here all the time your father and mother were her and yet didn't testify in this case? A Yes sir.

Q You went back to Kansas? A Yes sir.

Q And came back here again to testify? A Yes sir.

(By Hastings)

Q You were subpoenaed by the Cherokee Nation? A Yes sir.

(Continued by Stenographer J. O. Rosson)

Chas. von Weise, being sworn states that as stenographer to the Commission to the Five Tribes, he reported in full the above cause and that the foregoing is a true and complete transcript of his stenographic notes therein.

.. Chas. von Weise.

Subscribed and sworn to before me this the 9th of November, 1901.

T. B. Needles,

Commissioner.

The undersigned, being first duly sworn states that as stenographer,
to the Commission to the Five Civilized Tribes he made the foregoing
copy and that the same is a true and complete copy of the original.

Roy Palmer

Subscribed and sworn to before me this the 14th day of August, 1903.

Charles J. Jones
Notary Public

Before Commissioner Brockinridge, at Tahlequah, T.F., Supplemental C.P.D.-350, Joe Ross.

(By Stenographer: This following testimony was originally taken down by stenographer J.O. Rosson, and afterwards dictated by him to stenographer M.D. Green.)

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HENRY C. SHORT, being sworn and examined by Commissioner Brockinridge, testified as follows:

- Q Give me your full name? A Henry C. Short.
- Q How old are you, Mr. Short? A 48.
- Q What is your post office? A Mound City.
- Q In the Cherokee Nation? A In Kansas.

BY MR. HASTINGS:

- Q How long, Mr. Short, have you lived in and about Mound City, Kansas? A Well ever since the spring of 1857.
- Q What was your father's name? A John Short.
- Q Were you living there in the years '66 and '67? A Yes sir.
- Q Were you living in town or in the country? A Living in the country.
- Q Do you know Douglass Walker that left the stand? A Yes sir.
- Q Did you know a colored man by the name of Sam Webber up there? A Yes sir.
- Q Do you know that young Sam Weber, his son? A Yes sir.
- Q Do you know Joe Ross? A Yes sir.
- Q This is the man there? (Pointing to the applicant.) A I wouldn't have known him unless he had been pointed to me. They always called him Joe; I don't remember about him being called Joe Ross up there.
- Q Have you talked to him? A Just spoke to him.
- Q Did he recognize you as being the man? A He recognized me as being Short by telling him who I was and where I was from; he claimed that he was one of the boys.
- Q Do you know Aaron Webber, a little duck legged fellow? A Yes sir.
- Q Where did you live in the spring of '66? A In Binn County, on Elk Creek, in Kansas.
- Q Did you live on the same place in the fall of '66? A Yes sir.
- Q Did you live in the same house? A I lived in the same house now that I moved into in the fall of '66.
- Q Well now what time in the fall did you move into it? A Well now it was the last of October or the first of November, I wont say which; along about in them times I moved, that is my folks moved; of course I was small, I moved there after that from the west part of the place to the east part of the place.
- Q Do you know where Sam Webber was at that time? A They lived then at that time in the fall of '66 they lived on the place known as the Fleming place, adjoining farms of ours.
- Q Were they living there when you moved? A That fall?
- Q Yes sir? A They were living there then.
- Q I will ask you what is your best judgement as to the time they moved with their families and left that country? A Well I could not say just how, for I have got nothing to fix them dates. The best of my judgment they left there in February.
- Q February now of what year? A Of '67, I would say that, but now I aint certain, I aint got no opinion about what time they left.
- MR. SMITH: Now I move to strike out the testimony to that effect, because the witness says that is his opinion.
- Commission: We will take it for what it is worth and let the Commission pass on it.

BY MR. HASTINGS:

- Q That is your best judgement? A Yes, sir.
- Q That is your best recollection? A No, sir.

Q You said I believe you know they were there in the fall? A Yes sir, that is all I can state positively, I don't know how long they were there.

Q You know that by your move? A Yes sir, that is the one thing I have got you know.

Q Do you know Joe's sister, Chloey? A Yes sir, there was a girl there called Chloey, I supposed it was Joe's sister.

BY MR. SMITH:

Q Mr. Short, how old were you in '65? A About 13 years old, September 8, 1866.

Q Now when were you first asked as to the time when Sam Webber left that country? A When was I asked first?

Q Yes? A I think it was last Sunday.

Q Well you didn't know did you? A No, I don't know yet what day he left there at all.

Q Did you have that opinion then? A Yes, I have the same opinion I got now; it was the best of my opinion they left in the spring; I got nothing to say they did or did not.

Q Where was Sam Webber, Jr., in February 1865? A I don't know.

Q Where was he in October, 1865? A He was on the creek.

Q Did you see him? A Yes, he was there; he hadn't moved; he come down here and went back again in the fall; and the whole family was all there in the fall.

Q That was in the fall of 1865 was it? A Fall of 1866.

Q I am talking about 1865? A Well that was there too.

Q Did you see him? A Yes, of course they was there.

Q Of course, well how do you know, did you see him? A Yes I saw him.

Q Where did you see Sam Webber in the fall of 1865? A Oh I don't know; he worked some for us.

Q Did he work for you in the fall of 1865? A Worked for my grandfather some.

Q That young Sam Webber? A Yes, sir.

Q You say you know young Sam Webber, the younger of the two?

A Yes, sir, I knowed young Sam and old Sam too.

Q Did you know young Sam Webber, called Sam Webber, Jr? A Yes sir, of course it has been a long time from the time I saw him, from the time he left there until I come down here; saw him the first time as soon as I moved there.

Q What did you say about his being a boy? A I suppose he was a young man, I couldn't say as to that.

Q What about Joe Ross, was he a boy? A Yes sir, Joe was younger than me, if I am not mistaken. Wasn't much difference in the ages, but I think he was younger than me.

Q Now is it not a fact that Sam Webber and his father old Sam Webber and Aaron Webber came to the Cherokee Nation in the fall of 1865?

A I think not, I don't think they did; they was there in 1865 but they was going and coming all the time; they come down in 1866 and went back.

Q They came in 1866 and located? A Yes sir, but they come back and got their family.

Q Now you know only that they were there in 1865? A I know they were there in '66.

Q You don't know what time in '65 they were there? A They were there before '66.

Q Well I am talking about '65; were they there in the spring of '65? A I couldn't say what time of the year; I think they were there all the time.

Q You don't know whether they were there all the time in 1865 or not? A No sir, I couldn't say what they was.

Q Do you remember Sam Webber Sr. and Sam Webber Jr. and Aaron Webber coming down to the Cherokee Nation at any time? A They come down in the summer of '66. I think directly after crops was made; they come down here and they went back up there together in the fall.

Joe Ross (sup' 11 7,

Q Well did they ever come back together? A I don't know whether they did or not. Aaron didn't come back I don't think.

Q What about Sam Jr., did he come down with his father? A Yes sir, I don't know whether Aaron came back or not. I know Sam and the old man came back and got the family.

Q Do you know that they came back together? A Yes, I am pretty sure that they came back, I know I saw them afterwards.

Q Do you remember of Sam Webber Jr. ever bringing any hides into the country? A No sir, I don't remember. I remember Sam telling me he had his cabin up.

Q When did he tell you he had his cabin up? A In the fall of '66.

Q He had been down here in the fall of 1866 and had built a cabin? A Yes sir, he told me he had his cabin built.

Q And now that kind move when they took all the people out you think was in what time? I don't know, but it runs in my mind as February or March; I won't say anything about that.

Q What year? A '67.

Q You say you won't say anything about that? A I don't know whether it was or not.

Q You don't know whether it was or not? A No sir, that is a fact; but it runs in my mind it was.

Q There was Sam Webber, during the winter of 1866 and '66, the winter that commences with December, 1866 and ends with February 1867. A I think he was there.

Q Well, did you see him there? A Yes, I think he was there pretty much all the time.

Q Well do you know it? A I got no way to fix it; that's my opinion he was there.

Q You can't state it positively that he was or was not? A I know most of them was there and I believe he was too.

Q You can't state that positively? A No sir, not unless I got something to fix the date.

Q You won't say that? A No sir.

Q How can you remember about Sam Webber coming up there in the spring of 1866 and bringing some beef hides? A No sir, I can't remember; of course then dates is a long time ago; how I have got these things fixed in my head that was in the fall of '66 I was moving from one farm to the other, and that was in the fall.

Q You didn't go off of that farm? A No sir, just moved from the west to the east side.

Q And you were a boy about 13 years old? A Yes sir.

Q What is there in that to fix the date in your mind it was in 1866 or more than 1866 you moved? A I know we moved from the things that occurred; the death in the family of a young man that was there; I know it was '66.

Q How about that now; about the deaths in the family? A There was a young man died in the family in '69, 3 years after we moved there it must have been from the things that he did when we moved from one house, but he didn't move in his house at all.

Q You don't seem to be positive about any of these dates you give? Why I do, when the family moved over, remember that fact.

Q I mean about Webber's movements? A They was all there in the fall of '66; they was all there in October or November one of the two months, because we moved then.

BY MR. HASTINGS:

Q Now you never missed them up there in 1866 did you? A No sir.

MR. HASTINGS: I object to that; it is not competent whether he missed them or not.

Q Did you ever miss them up until the summer of 1867? A No sir, I have no recollection of them leaving there until that.

Q That is your first recollection of them leaving? A Yes, sir.

Mary A. Hicke, being sworn and examined by Commissioner Decker, testified as follows:

Q Give me your name, Madam? A Mary A. Hicks is the way I sign my name.

Q How old are you? A If I lived to the 24th of next month I will be 67 years old.

Q What is your post-office? A Hantony.

Q Is that in Kansas? A Yes sir.

BY MR. HASTINGS:

Q How far do you live from Miami City, Kansas, Mrs. Hicks? A I live six miles.

Q How long have you lived in that neighborhood? A Ever since the spring of 1887.

Q You were living there then after the war? A Living there in the time of the war.

Q Do you know Mr. Walker, Douglas Walker, that has been on the stand? A Yes sir.

Q Do you know Mr. Short that left the stand here? A Yes sir.

Q Mrs. Hicks, did you know of a man up there by the name of Sam Webber? A Yes sir.

Q How far did you live from him just after the war? A Well I think it was about 175 steps; they used water out of my well.

Q Did you know his son, Young Sam Webber? A Yes sir.

Q Well did you know a little child one called Aaron Webber? A Yes sir.

Q Did you know a boy called Joe Ross? A Yes sir.

Q Have you seen any of those parties since you have been here this time? A Why I see Joe Ross down there; he said he knew me and come up and shook hands with me and I saw Sam Webber.

Q I will ask you to look if this is the same parties now? A Well I tell you Ross don't favor himself no such, but Joe he is just like his father and I knowed him because he is just like his father; well old Uncle Sam was older than Sam is of course.

Q I will ask you if you had any deaths in your own family in the fall of '88? A Yes sir.

Q What was the date of let? A The date of the death?

Q Yes, madam? A Well it was October.

Q Did you make any record of it in your Bible? A Yes sir.

Q Is this your Bible? A I reckon it is; if you will let me look I will tell you.

Q Look at it and see if this is your Bible? A I think it is, but I can't read it, I haven't got my specs.

Q You haven't got your specs? A No sir.

Q Well of the family record here of births and deaths appear this: "Franklin Hicks, was born November 7, 1864." A Yes sir.

Q And under the column of deaths appears "Died October 23, 1888." A That is correct.

Q Who was Franklin Hicks? A He was my son.

Q Do you know where Sam Webber was when your son Franklin died? A No sir, I could not tell you.

Q Don't know? A No I don't; you name this Sam?

Q That man? A Oh, the old gentleman; he lived up there by me I think; I am most positively he lived there then.

Q Do you know where his wife was? A His wife died there.

Q Well do you know whether she was dead at the date of your son's death? A Yes sir, she died I think before he died; there was an old lady, they called her old Aunt Rhoda, living.

Q She was living? A Yes sir.

Q Was she a member of this family? A Yes sir, she lived there with them.

Q Well do you know whether she was there during the sickness of your child? A Yes sir, she sat up with me several times, and if it was a bad night and she saw as the case is she would come and sit up with me.

Q Did you know a sister of Joe's called Ollera? A Yes sir.

Q Now I would like to have your best judgment Mrs. Hicks as to the time Old Sam Webber moved with his family and children from that country? A

~~THE COURT~~ ~~THE COURT~~

MR. SMITH: The applicant objects to the witness giving her opinion as to the time when this sickness took place, because it is not the subject of their expert or opinion evidence.

COMMISSIONER: I understand the question to be her best recollection.

A It has been a long time you know.

Q Well, answer the question? A About him being there?

Q I want to know, the question is, what is your best recollection as to the time Sam Webber and his family, when he left Kansas with his family? A

OBJECTED to by applicant.

A Well my best recollection was that, I would not be positive of course, but I think it was in February or March, one or the other. The best of my recollection, because the old lady, old aunt Rhoda and uncle Cy, that was her husband, they both was old and feeble and I think old uncle Sam stayed there on that account more than anything as long as he did.

Q Well now that would be February of what year? A It would be '67 wouldn't it?

Q You lived then about 175 yards of them? A Yes, sir, I could hear them sing over there and hear them laugh and talk to my house.

Q On whose place were they living? A Well they was living on Mr. Walker's place then.

Q Had he recently purchased it? A Yes sir.

Q Do you remember who he purchased it of? A I think it was a man by the name of Flemings; I think it was Flemings owned it.

BY MR. SMITH:

Q About how long, Mrs. Hicks, had Mr. Walker owned this place at the time these people lived there? A Well I couldn't answer that question

Q Well you could tell whether it had been a few months or whether it had been a year or two? A It was, I suppose it may be quite a while I couldn't tell you.

Q You remember that Mr. Walker owned a place there? A Of course I know he had charge of the land; I think Mr. Walker bought it from Mr. Fleming if I ain't mistaken.

Q And you know these Webbers were living on the Walker place? A Yes sir.

Q Well now what is your best recollection as to how long Mr. Walker had owned that place? A I don't know; I won't pretend to say anything I don't know; I don't want to meddle with, I didn't come down here to criticize or anything about it; I want to tell the truth as far as I can.

Q Where was young Sam Webber in December, 1866, and up until January or February of 1867? A I could not tell you where he was, I think Sam worked out some around; I couldn't tell you whether he was at home all the time or not; I could not tell you.

Q Where was young Sam Webber at the time your child died? A I couldn't tell you that; This one?

Q Yes? A I don't know.

Q He was not there was he? A I don't know, I couldn't say as to that.

Q Do you remember old man Sam Webber and young Sam Webber and Andy Webber and others leaving; Aaron Webber and others leaving that community in 1866 and coming down to the Cherokee Nation? A I recollect only Sam coming down here, I don't know, I won't be positive, I guess though it was in '66.

Q Well about how long was it ago, your best recollection, before this date is the fall that you have spoken of? A I don't know.

Q Don't know? A No I don't; but I recollect about it, he brought me back spice wood and cassiafras root.

Q Do you remember young Sam bringing some hides to the community?

A No sir, I didn't charge my mind with anything like that.

Q Tell me now give me some idea, Mrs. Hixon, about the time old man Sam Webber started off on this trip to the Cherokee Nation in 1866 that you testified about? A Why I don't know; he came in the fall I reckon.

Q You don't know whether it was fall, summer or spring? A No sir, I don't.

Q Well how is it you have no better recollection of this very time that you mention he came than you have of the first time? A I know he was there when that child of mine died.

Q And you don't know how long after that? A No, they went along the latter part of the winter, but I don't know what time; I think though it was in February or March.

Q You couldn't be positive whether it was February or after Christmas could you? A I don't think it was before Christmas.

Q You don't think that was? A No I can't, for several facts.

Q You can't state positively whether it was before or after Christmas, you can't answer it? A I wouldn't want to answer it either way.

Q Where did you move from this place that now live? A Where did I move from.

Q How long have you been living at this place and where you lived when your child died? A I have been living on the place ever since the spring of '57.

Q About how long did you remain on the place? A I stay there yet, when I am at home; my husband is dead.

Q Do you know how many trips Sam Webber made to the Cherokee Nation before this time that he came away from there the last time? A No sir, I don't.

Q You know of his coming one time? I know him and his father and I think Aaron, and I don't know whether Joe was along or not.

Q Well is this Joe? A Well of course, at that age, Joe Webber, that one sitting there?

Q Yes? A I think it is.

Q Which one of them don't look familiar? A That one, he was nothing but a boy when I knew him.

Q Which one, the one right here, the black one? A Yes sir.

Q What is his name? A Joe we always called him.

Q And what is this man right here? A Sam, that is the way we always called him.

Q You think that is the man you know up there in Kansas? A This Joe? A I don't know, he says it is; he was nothing but a boy when I saw him.

Q You don't recognize him then? A Hardly, I wouldn't know; he says he is the man; I used to think he was a very good boy when they lived there, but then he has grown out of my knowledge.

Q You don't know where old man Sam Webber was in July 1866 is your A No sir.

Q You remember anything about young Sam Webber coming for the old man and the family in July 1866? A Well he might have come after them but they didn't come down here in July.

Q You don't know when they did come? A Why I think they come sometime in the latter part of the winter, but I say I would not be certain what month it was, in February or March.

Q You won't be certain it was either of them? A I say they left, I was there and saw them start.

Q You would be certain it was either February or March? A I think they did.

Q You think so? A Yes sir.

BY MR. HASTINGS:

Q I was going to ask you if you knew about young Sam Webber marrying? A They said he married; I didn't see it done.

Q Did you hear of his marrying up there? A Yes sir.

Q Was that before or after he left? A It was before they left.

JANE SPEARS, being sworn and examined by Commissioner Breckinridge, testified as follows:

- Q Give me your full name? A Jane Spears.
 Q How old are you? A I am 46 years old.
 Q What is your post office? A Mound City.
 Q In the State of Kansas? A Yes sir, Mound City, Kansas.
 BY MR. HASTINGS:
 Q Mrs. Spears, was Mrs. Hicks who left the stand your mother?
 A Yes sir.
 Q How long have you lived in and about Mound City, Kansas, I mean in the neighborhood? A Well I came there when I was about a year old.
 Q And you have lived there ever since? A Yes sir, well since I have been married I have just moved one mile north.
 Q You moved a mile north of your mother? A Yes sir.
 Q Do you know Douglass Walker? A Yes sir.
 Q Do you know Henry C. Short? A Yes sir.
 Q Do you remember at an early date just before the war some colored people that lived up there; one of them by the name of Sam Webber?
 A Yes sir.
 Q Do you remember his son Sam? A Yes sir, I know him.
 Q Were you living with your mother at that time? A Yes sir.
 Q Did you know Joe, that was living with them, Joe Ross? A Yes sir.
 Q Have you seen any of these parties since you have been here this time? A I met them to-day.
 Q Talked with them some? A Well I just spoke to Joe; Sam I did not.
 Q Did he recognize you? A Well he let on as though he did; I don't know that he did; I suppose he heard we were here.
 Q I will ask you if this is your mother's family Bible? A Yes sir.
 Q That is the family record of the births and deaths? A Yes sir.
 Q I will ask you if you had a brother by the name of Franklin Hicks?
 A Yes sir.
 Q Do you remember the date of his death? A Yes sir, October 23, 1866.
 Q I will ask you if you know where the Webber family was living at the time he died? A Yes sir, they were living there.
 Q About how far from your mother's? A About 175 steps I suppose, in a cabin.
 Q Short distance? A Yes sir.
 Q Did you know Aaron Webber, a little short lagged duck lagged fellow? A Yes sir.
 Q I would like to know from you Mrs. Spears your best recollection as to the time old man Sam Webber left that country permanently with his family? A -
 BY MR. SMITH: The counsel for the applicant objects to that question, because it is incompetent and calls for the opinion of the witness.
 COMMISSIONER: The Counsel for the applicant has put a number of questions in the same form and asked as to their best recollection that exists; it is entirely competent to give the best recollection and belief in regard to the facts.
 Q My best recollection is that it was in the spring of '67, either February or March.
 Q Did you know whether or not young Sam Webber married up there?
 A Yes sir.
 Q Did you know whether that was before or after they left there?
 A That was before they left there.
 BY MR. SMITH:
 Q Mrs. Spears, did you know of Sam Webber, Sr., leaving that country and coming to the Cherokee Nation, or leaving that country for the Cherokee Nation before the time you mention? A He came in the fall I think, or summer sometime and got a claim I think.

Q Fall of what year? A '66, and then come back.

Q How do you remember young Sam Webber's coming back with reference to the time Sam Webber was home, who came first when they returned from this trip looking for claims you speak of? A They came together.

Q Are you sure of that? A Yes sir.

Q Where was Amos Webber, did he come with them? A I don't remember very much about him.

Q You don't remember whether he did or not? A No, I can't be positive whether he came with them or not, when they came after their claims.

Q Do you know whether the older Sam Webber made the first trip to the Cherokee Nation after the war? A Well it was in the fall of '66 I guess, about that time, either summer or fall.

Q Either summer or fall? A Yes sir, sometime along in the summer or fall.

Q Might not it have been the late spring? A No, it was not, because he made his drop there and then came afterwards.

Q Made a drop in '66? A '66.

Q What did he do with that drop? A I suppose he put it up here, disposed of it.

Q Do you know whether he sold it or not? A No I don't know whether he sold it or not, I think they left it to their stock before they left.

Q Where was Sam Webber Jr. in December 1865? A I don't know where he was at.

Q Where was he in January and February of '66? A January or February of '66, I can't say.

Q Where was he in July of '66? A I don't know where.

Q Do you have any recollection of Sam Webber Jr. coming there after his father in July '66? A No sir.

Q Do you have any recollection of Sam Webber coming there at any time with any hides, deer hides or any kind of hides? A No sir.

Q Where was the old man Webber living in the year of 1865? A He was there living close to my mother's farm I speak of.

Q In 1865 close to you? A Yes sir.

Q And you don't remember of his coming there at any time off of a trip except the time he came back with his father? A He went to Fort Scott I guess, I never tried to keep any trade or his whereabouts.

Q Now what makes you think it was in February of March '67 that these people left there? A Well I have all reasons to believe that circumstances about it; well the old Carkey had a tame panther and the turkey boys trapped on the land that winter.

Q Who did? A These Carkey boys, the Webber boys.

Q Did what? A Trapped for game that winter on the patch of game where we had left the seed on the corn.

Q That the winter that commences December and ends February, December, '66 and February '67? A It was all in that winter of course.

Q Well the winter is pretty well over by the last day of January isn't it? A Not always it isn't.

Q Well the bigger part of it; the winter is gone isn't it? A No sir, not in our country.

Q How many months do you have in the winter there? A Some winters we have pretty hard and some winters we don't have much.

Q So that as a matter of fact the fact that they trapped there on your place during the winter would not of itself lead you to believe that they didn't leave there until February or March? A Well it was along toward spring they left; that is the best of my knowledge.

Q Now in what way do you fix the date, you speak of your people there, is that the way you fix the date, by that? A No sir, I fix it by memory, or so sure that is the way by the people, of this child's people; they were there; that is, the family were, I can't fix.

- member so much about the men; there was an old lady that moved down here with the men that sat up with my brother in his sickness.
- Q Do you remember Sam Webber bringing you any sassafras and spice switch up there? A Yes sir.
- Q When was that? A That was the first time they came down.
- Q When was it? A That was in '66.
- Q What month? A I don't know.
- Q Can you state within two months of the time? A No I don't know as I could.
- Q Can you remember that as well as you could the other time? A (No response).
- Q You know that they were gone from there before the spring of '67, and it must have been in '66 they brought the sassafras? A Yes sir.
- Q What was it, sassafras roots? A Yes sir.
- Q That must have been in the spring? A I don't know.
- Q Well they don't make sassafras in the fall? A We used it for tea.
- Q It was not in the spring at all Sam Webber brought the sassafras? A No sir, it was not; he didn't bring it at all; the old gentleman brought it.
- Q Well now as a matter of fact do you remember any one of these people being there at the time your brother was sick and died except the old woman Rhoda? A Well this family was there on the place; I don't remember them being there.
- Q Well if they were you tell me who you saw except Rhoda the old woman? A Well I don't know as I remember. There was Johnson's wife, of course I don't just remember who was there, I was just a child then; there was a great many of the neighbors in, but I remember the old lady, sitting up with my brother at the time he was sick.
- Q Now isn't it a fact that the old lady Rhoda is the only one you remember being there at the time? A No sir.
- Q Now who else was there? A Ohlora was there.
- Q Well now name some other one, all you know that was there? A I don't know, I don't remember them, there was hardly any day but what they was there, some of them.
- Q Well now what I want to know, who was there except this woman, Rhoda? A I don't know anything about that.
- Q You don't know? A No sir.
- Q How many trips did the Webber's make down here to this country, do you know? A They came once and got claims and came back and went again.
- Q All you know of? A Yes sir.
- Q If they made others you don't know it? A No sir, I don't know anything about any more trips they made.
- Q Now when was this entry in this Bible, the date of your brother's death, made, was that made at the time? A Just when he died?
- Q Yes? A I don't know as it was, I suppose about the time.
- Q Well about when, do you know who wrote that? A I know who wrote that?
- Q That is what I am talking about? A This was drawn off from another Bible.
- Q You don't think that this entry, "Lizzie Bell Lewis, born September 1st, 1868" is in the same handwriting that this is do you?
- A No sir,
- Q You don't know that this is in the same handwriting? A No sir, it is not.
- Q Now who wrote that date, October 23, 1866? A Park Nichols.
- Q Well now can you tell me how nearly at the time of your brother's death that entry was made? A No sir, I could not.
- BY MR. HASTINGS:
- Q How long has this Bible been in your mother's possession? A I can't tell.
- Q Has this entry been in here a long time to your knowledge? A Yes sir, it has been several years.
- Q It was in there long before any investigation came up wasn't it?

A Yes sir.

BY MR. SMITH:

Q Didn't Sam Webber and his father come down here in '65? A If they did I never missed them from home.

Q If they came here you didn't miss them? A No sir.

MARY A HICKS, re-called for additional cross examination.

BY MR. SMITH:

Q Mrs. Hicks, when was the entry upon this Bible you have with regard to the date of the death of your child made with reference to his death? A Well I don't just remember when it was; it was not long.

Q Was it put there at or about the time he died? A Why it was not long after he died.

Q Well give us your best judgment as to how long? A Well he died that fall and I don't know just how long it was.

Q Well was it as much as a month? A I won't say sir.

Q You can give some idea? A Well I tell you now, I won't say anything when I don't know anything.

Q I thought probably you might know better than I do, as I know nothing about it? A If I knew when I set it down I could recollect it; I have had a good deal of trouble about it.

Q I don't want to cause you any trouble about it, but I would like to know, it is some importance in this case? A There was a young man working for us that set it down.

Q What was his name? A His name was Nichols.

Q Do you remember how long after your child died before Nichols went to work for you? A No sir.

Q Well when it was set down what was it set down from, your recollection? A Why I had a husband then and all of us recollected it, who wouldn't recollect it?

Q I am asking you how long it was before this entry was made, if you can tell me? A I don't know when.

Q Do you think it was as much as two years? A No sir.

Q It was not? A No sir, if I should guess at anything about it I should think it was along in the summer sometime; I should think now; afterwards this young man was breaking prairie and of course he broke it in the winter.

Q Was this the first place it was made where it was made here in this Bible? A Yes sir.

MR. SMITH: If the Court please, I want to show by the title page of the Bible that it was not published until in 1869.

COMMISSIONER: The title page has been examined and it shows that the edition of the Bible in evidence was published in Philadelphia in the year 1869.

BY MR. HASTINGS:

Q Do you remember, independent of the Bible, of the dates of your son's death? A Yes sir.

Q You didn't attempt to give distinctly when that entry was made in your Bible? A No sir.

Q You so stated? A Yes sir.

BY MR. SMITH: I object to that; it is leading.

BY MR. HASTINGS:

The Representatives of the Cherokee Nation ask that the testimony of Sam Webber, recalled, in the case of Jefferson Ross and others, Freedman D-572, be made a part of the record in this case.

COMMISSIONER: It is ordered that the testimony just taken be filed as supplemental testimony in Cherokee Freedmen Doubtful case 495; the same being the case of Chloa Grayson, and it will likewise be filed in Cherokee Freedmen Doubtful case 216, the case of Aaron Webber, and in Cherokee Freedmen doubtful case 360, the same being the case of Joe Ross.

It is further ordered that a set of all the testimony

given by Sam Webber in Cherokee Freedman Doubtful case 872, the same being the case of Jefferson Ross, be filed in case Cherokee Freedman D-360, of Jay Ross, and in Cherokee Freedman D-496, of Chlena Grayson, and in Cherokee Freedman D-216, of Aaron Webber.

M. D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in this case, as dictated to him from the stenographic notes of JOHN O. Rossen, by said Rossen, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

M. D. Green.

Subscribed and sworn to before me this November 15th, 1901.

J. G. Starr,

Notary Public.

SEAL.

Department of the Interior.
Commission to the Five Civilized Tribes.
Vinita, I. T., May 21, 1901.

In the matter of the application of Harry Still for the enrollment of himself as a Cherokee Freedman; he being sworn and examined by Commissioner C. R. Breckinridge, testified as follows:

- Q Give me your name. A Harry Still.
Q How old are you? A I do not know sir; something about fifty.
Q What is your postoffice? A Hayden.
Q In what district do you live? A Cooweescoowee.
Q Do you want to be enrolled as a Cherokee Freedman? A Yes sir.
Q Do you want to enroll anyone besides yourself? A No sir.
Q Just yourself? A Yes sir.
Q How long have you lived in the Cherokee Nation? A All my life.
Q Are you a recognized Freedman of the Cherokee Nation? A Yes sir, always have been.
Q Give me the name of your father. A Hube Still.
Q Is he dead? A Yes sir.
Q How long has your father been dead? A I think he has been dead about eleven years.
Q Give me the name of your mother. A Maria Whitacre, now Maria Hayden.
Q She is alive? A Yes sir.

The 1880 authenticated roll of the Freedmen of the Cherokee Nation examined and the name of the applicant not found thereon.

- Q You are not on the 1880 roll, are you? A No sir, I have got some papers. (Hands same to Commissioner.)

The 1894 census roll and the Kerns Clifton Roll examined and the name of the applicant not found thereon.

- Q Are you on the 1894 roll? A I don't know, sir; I made application at Chelsea.
Q Did you draw strip money? A Yes sir. I didn't draw on the Kerns Clifton Roll; I got money from the Wallace Roll.

The Wallace Roll examined and the name of the applicant is found on page 13, No. 284, Harry Still, Cooweescoowee District.

The applicant presents a certificate under date of May 20, 1896, and under the seal of the Cherokee Nation, signed by W. H. Mayes, Assistant Executive Secretary, certifying that by a decision of the Supreme Court of the Cherokee Nation rendered June 7, 1871, Harry Still was admitted to all the rights of Cherokee citizenship entitled under the treaty of July, 1866. This is filed herewith.

The applicant files three permits issued by the Clerk of Cooweescoowee District in the years, '93, '94 and '95, authorizing him to employ certain persons to labor for him. These indicate his residence at the time stated and they are filed herewith.

- Q The certificate of the action of the Supreme Court of the Cherokee Nation in 1871, shows that you were recognized at that time as being entitled to all the rights of a Cherokee citizen under the treaty of

1866. Now I would like for you to account for yourself since 1871. Where were you between 1871 and 1881? A I was up on Lightning Creek, Cherokee Nation.
- Q All the time? A Pretty near all the time. Not all the time; I was there most of the time.
- Q When you were not there, where were you? A Some time here at Vinita, sometime at Coffeyville; some time one place and another, but I have always had my place, property and places on Lightning Creek since 1866.
- Q What would you be doing up at Coffeyville? A Go up there to trade and one thing and another.
- Q Did you go there to stay any time? A No sir, never lived there; never lived there a day in my life.
- Q What is the longest time you ever spent up there at once? A I expect I have been there as high as two days at a time.
- Q Not any more than that? A No sir.
- Q Have you spent any time out of the Cherokee Nation since 1871? A Yes sir, I have been in the Cherokee Strip.
- Q When were you in the Cherokee Strip? A I was in the Cherokee Strip in 1878 and 1879.
- Q What were you doing out there? A I herded horses one season and the cattle the next.
- Q Just grazing them? A Yes sir.
- Q Did you take up any land out there? A No sir.
- Q Why are you not on the roll of 1880? A The reason I aint on the roll of 1880, me and my stepmother got in litigation about a cow; she claimed it belonged to her daughter, and I drove the cow off and took her home, and they got out a writ for me and I couldn't get to Rufus Hess to enroll. I was here alright, but I just couldn't enroll that was all. When Rufus Hess made the roll, of course, Judge Starr was the Sheriff, and I was scared to show up, and I didn't show up, but I was home in 1880.
- Q On account of the trouble about the cow? A Yes, between me and my stepmother; I took the cow and they got a writ out for me.
- Q You were scouting at that time? A Yes sir.
- Q Why are you not on the census roll of 1896? A Why when I went to Chelsea to see Judge Clinton and McIntosh, they said we are not enrolling anybody that aint on the '80 roll. This is an act of the Cherokee Nation; we know you, but we can't put you there. The law was enacted so that no person could be put on the '96 roll except they are on the '80 roll. I said I wanted to be enrolled, and he said he would take my name and see what they would do in Council about it. I said if it is possible I would like for you to see about it. He says I can't put you down on the '96 roll unless you are on this '80 roll. I told him I wasn't there, and I tried to show.
- Q You think that is the way? A Yes sir, that is the reason I aint on the '96 roll.
- Q Why didn't you draw strip money on the Kerns Clifton Roll? A It was an oversight. I went to the Commission every day when they made the roll. I showed my certificate. He said if you go to Tahlequah and get a certificate, and I showed it, and he said it was alright, and the result showed an oversight.
- Q You don't know the reason why they left you off? A Yes sir. Robert Kerns and Mr. Thompson both said they endeavored to put me on the roll. I was with them when they made the Darkey Roll.
- Q Since 1881, where have you lived? A I lived on Lightning Creek.
- Q Continuously? A Yes sir.
- Q All the time in the Cherokee Nation? A Yes sir.

The applicant shows by the official certificate filed herewith, that he was adjudged by the Supreme Court on June 7, 1871, to be entitled to all the rights and privileges of a Cherokee Freedman under the treaty of 1866. He is identified on the Wallace Roll, but not upon the roll of 1880, or upon the census roll of 1896, or upon the Kerns Clifton Roll. He states that he has lived in the Cherokee Nation continuously since the

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decision of the Supreme Court in 1871, not having been absent at any time, except upon occasional brief visits across the line. He had some stock in the Cherokee Strip country that he was simply grazing in that region, and that that territory was then a part of the Cherokee Nation. He explains his omission from the roll of 1880 by showing that he got into a difficulty about a cow and he was securing at that time. He explains his omission from the roll of 1894 by stating that he was refused enrollment because he was not on the roll of 1880. He explains his omission from the Kerns Clifton Roll by the statement that no objection was made to his enrollment; that he was required to produce the certificate of the action of the Supreme Court, which he has here produced and filed; that it was entirely satisfactory to the Kerns Clifton Commission and that his subsequent omission from the roll could only have arisen through negligent or arbitrary conduct. The applicant establishes his continuous residence in the Cherokee Nation since 1871 in a satisfactory manner, and he has filed some certificates from the Clerk of Coconino District covering a part of that time, authorizing him to employ laborers in the Cherokee Nation. Under the conditions stated, he will be listed for enrollment as a Cherokee Freedman.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a full, true and correct transcript of his stenographic notes thereof.

(Signed) E. G. Rothenberger.

Subscribed and sworn to before me this 22nd day of May, 1901.

(Signed) C. R. Breckinridge,
Commissioner.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, Indian Territory, February 2nd, 1903.

In the matter of the application
of Harry Still for the enroll-
ment of himself as a Cherokee
Freeman.

Supplemental to P-576.

Appearances:

Lewis T. Brown appears for Applicant.
W. W. Hastings appears by Cherokee Nation.

- Harry Still, being duly sworn, testified as follows:
Examination by the Commission.
- Q. What is your name? A. Harry Still.
Q. How old are you? A. About 84.
Q. What is your post office? A. Hayden.
Q. Are you claiming the right to be enrolled as a Cherokee Freeman?
A. Yes, sir.
Q. Your name doesn't appear on the roll of 1880, does it?
A. No, sir.
Q. On what, then, do you base your rights of citizenship?
A. On the ground that I was a slave of a Cherokee and returned with-
in the limit.
Q. What was your owner's name? A. George Waitwire.
Q. Was he a Cherokee citizen? A. Yes, sir.
Q. He was your owner before the war? A. Yes, sir.
Q. Now, did you go out of the Cherokee Nation during the war?
A. Yes, sir.
Q. Where did you go? A. Fort Scott.
Q. Kansas? A. Yes, sir.
Q. Who did you go with? A. I went out with a crowd; perhaps a
hundred people.
Q. Cherokee slaves? A. Yes, sir; mixed, some Cherokees by blood.
Q. What year was that? A. '62, I think.
Q. How long did you stay in Fort Scott? A. Until '68.
Q. Until 1868? A. Yes, sir.
Q. Where did you go in 1868? A. I went up from there in Douglas
county.
Q. Kansas? A. Yes, sir.
Q. How long did you stay in Douglas county? A. Stayed there per-
haps about two months and left in '68 and came back to the Cherokee
Nation; Fort Gibson.
Q. What time in 1868 was that? A. November.
Q. Who did you come with? A. Lewis Still.
Q. What relation was he to you? A. My father's first cousin.
Q. Anybody else? A. No, sir.
Q. Where did you go to? A. Fort Gibson.
Q. Did you locate there? A. No, sir.
Q. How long did you stay in Fort Gibson? A. 3 or 4 days.
Q. Then where did you go? A. Back to Fort Scott.
Q. How long did you stay in Fort Scott? A. Stayed there a day or
two.

- Q. What year was that; still '65, was it? A. Yes, sir; it was in November, '65, and it was about the last of November when we got back.
- Q. You stayed a few days in Fort Scott? A. Yes, sir. I went from there to Lawrence and along in the spring of '66, April or May, I came back.
- Q. Who did you come back with? A. My mother.
- Q. What was her name? A. Maria Hayden. Reed Whitney, Joe King—
- Q. Who else came with you? A. Well, I had several with me; I had Joe King when I made the first trip.
- Q. I mean the second time? A. There was a good many. Old lady Lacey and her children were with me, mother, Andy Rider, and Reed Whitney, Sarah Buffington and a man—there was a white man with us by the name of John. I don't know his last name. He come with us. That was in the fall of '66.
- Q. Fall of 1866? A. Yes, sir.
- Q. You went back to Kansas again, did you? A. Yes, sir; I made three trips.
- Q. When did you come to the Cherokee Nation to make your residence? A. Along about October.
- Q. 1866? A. Yes, sir.
- Q. The former trips you made were simply visits? A. Yes, sir.
- Q. You didn't come to make your home here until your mother came?

BY MR. BROWN:

At this time the applicant moves the Commission to inform this applicant as to the object of this inquiry, in order that he may make a proper defense.

BY THE COMMISSION:

The object of this inquiry is that the Commission is not satisfied with the proof of this applicant's citizenship and his residence in the Cherokee Nation and this inquiry is to determine his rights to citizenship and his residence.

BY MR. BROWN:

The applicant desires to state that on the 31st day of May, 1902, he submitted his case to the Commission to the Five Civilized Tribes for final hearing. That he desires to introduce no further testimony but this applicant is willing that the Commission decide his case upon the testimony already introduced. That he objects, at this time, to being interrogated as to his citizenship and desires to have the Commission pass upon that objection before proceeding further.

BY THE COMMISSION:

The objection is overruled, as this testimony is being taken at the instance of the Commission.

- Q. (Question read). A. No, sir.
- Q. Where have you been living since you came to the Cherokee Nation to make your home here? A. Lightning Creek, sir.
- Q. Where is that? A. 20 miles west of this place.
- Q. Is that in the Cherokee Nation? A. Yes, sir.
- Q. Have you been living in the Cherokee Nation ever since that time? A. Yes, sir.
- Q. Have you ever gone out of the Cherokee Nation to stay? A. No, sir; never have.
- Q. You have lived in the Cherokee continuously?
- A. Yes, sir; my home has always been here.

Examination by Mr. Hastings.

Q. Who came with you when you came the last time; when you came to locate permanently; when you came in '66?

BY MR. BROWN:

Objected to as incompetent, irrelevant and immaterial in this case.

BY THE COMMISSION:

The objection will be noted.

A. I can tell you. I would like to explain why I aint on the 1880 roll, if you will allow me.

BY MR. BROWN:

Just answer the question.

BY THE WITNESS:

Maria Hayden, Susan Buffington, Andy Rider, Joe King, Reed Whitney, Sallie Lacey came with me here.

BY MR. HASTINGS:

Q. Who was living on Lightening Creek at that time? A. There was nobody living on Lightening Creek at that time.

Q. Was Lewis Whitmire there? A. No, sir; Lewis Whitmire lived with his father four miles west of there.

Q. Who was Lewis Whitmire's father? A. Major Wright.

Q. Was he living there at that time? A. Living there at what time?

Q. When you and your mother came and permanently located? A. The old man Major was there. I don't know exactly when old man Major came there. I don't know whether he was there at that time or not.

Q. How long was it before you went over there some four or five miles and located a home? A. I don't know just how long it was.

Q. Well, about how long after you came down with your mother, as you stated? A. Well, sir, I don't know just exactly when it was. I know it was after Aaron went up in the gap.

Q. How long after, was it? A. I don't know how long it was.

Q. Was it a month? A. Perhaps that long.

Q. Was it as long as a month? A. I don't know for certain. I knew he was there.

Q. You knew he was there when you located down there? A. No, sir.

Q. Hadn't you heard of it? A. I heard he was there. I didn't bring him here.

Q. Who were your neighbors around there? A. Well, sir, I had none. Lewis Wright was the first man that took a claim.

Q. Did you and your mother continue to live there? A. I did.

Q. Did your mother? A. My mother went back to Kansas.

Q. How long did she stay there?

BY MR. BROWN:

Objected to as incompetent, irrelevant and immaterial; that whatever the mother of the applicant did is not binding upon this applicant. For the further reason that the citizenship of this applicant has been passed upon by a court of competent jurisdiction and that court admitted this applicant to citizenship, and that this Commission has no right at this time to investigate his case, the case having been closed on the 11st day of May, 1902.

BY THE COMMISSION:

The objection will be noted.

BY MR. HASTINGS:

Q. (Question read). A. About three months.

Q. Did you know Major Wright before your mother left? A. Did I?
 Q. Yes. A. I think I did.
 Q. With whom did you live after your mother left? A. Sometimes I stayed with Aaron Wright, then I went down on Grand river and stayed with my father some.
 Q. Who did you first stay with immediately after your mother left? A. Stayed with myself; we had a place.
 Q. You made a place? A. Yes, sir.
 Q. Watching on the place? A. No, sir; Reed and Joe stayed there.
 Q. Did you have a house? A. Yes, sir.
 Q. How far from where the Hayden post office now is? A. 3 miles.
 Q. What direction? A. Northeast.
 Q. From whom did you purchase the place? A. Nobody; made it.
 Q. How long did you occupy that place? A. About 6 or 7 years.
 Q. Then you sold it? A. I didn't sell it; bought another one and abandoned--left the house. Bought a place in '72 and moved away from there. Been there ever since--since '72--right where I live now; living right out there. I bought the place in '72 and been there ever since.

Examination by Mr. Brown.

Q. Mr. Still, you lived in the Cherokee Nation at the beginning of the war? A. Yes, sir.
 Q. Did you go out of the country during the war? A. Yes, sir.
 Q. When did you return? A. I returned in '65, the first trip.
 Q. Were you here between the period from July, 1866, to February, 1867? A. Yes, sir.
 Q. Were you here in the fall of 1866? A. Yes, sir; was right here on Lightning Creek.
 Q. Did you ever apply to the Bob Daniels Court to be admitted as a citizen of the Cherokee Nation? A. Yes, sir.
 Q. Were you admitted? A. I was the first man who applied for a right here after the war. I was admitted.
 Q. Did you have a certificate of admission? A. Yes, sir.
 Q. At the time you applied to this Commission to be enrolled as a citizen of the Cherokee Nation did you file with your case that certificate? A. Yes, sir.
 Q. Have you lived in the Cherokee Nation ever since your arrival here in the fall of 1866? A. Yes, sir; made this my home.

BY MR. HASTINGS:

The Cherokee Nation asks that the testimony introduced in Freedman Doubtful #618 be made a part of the record in this case.

BY MR. BROWN:

The applicant objects for the reason that the Commission notified this applicant that if he had any testimony to introduce that he must introduce it prior to May 31st, 1902; that the applicant produced the testimony at that time that he had to introduce and his case was finally submitted to the Commission for a decision. That at this time the Commission, or the Cherokee Nation, has no right to go into an investigation of this kind, as the case has been finally closed.

For the further reason that a judicial body of competent jurisdiction has passed upon this applicant's right to citizenship and no power that the legislative or executive department may have is equal of the subrogation or invalidation of what rights that judicial body has given this applicant, and the applicant certainly objects to the testimony of any other case being thrown into this case. That at the time that evidence was introduced the applicant was not present and under no theory of law whatever can the case referred to be made a part of the record in this case. That it does not appear what case that is.

BY MR. HASTINGS:

The representative of the Cherokee Nation will state that the case, Freedman Doubtful #18, is the case of Edward Wright, and in that case the question was exhaustively gone into as to when Aaron and Major Wright returned to the Cherokee Nation and from the testimony of this applicant it is very material to show the time of the return of the applicant. That like reference to this have been made in other cases, times to numerous to mention at this time, both by the applicants and the Cherokee Nation.

BY MR. BROWN:

I desire to know at this time whether the commission holds that this applicant has no right at this time, or the Cherokee Nation, to come in with additional testimony.

BY THE COMMISSION:

The Commission has no particular rule by which it is governed in taking testimony in these cases, and decides each particular case as it comes up. Whenever the Commission is not satisfied with the record in a case, the Commission will at its own instance, take evidence to complete it. If at that hearing the applicant desires to offer further testimony to support his application, the Commission has no objection to such testimony.

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Jesse O. Carr, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the above entitled case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) Jesse O. Carr.

Subscribed and sworn to before me this 18th day of February, 1903.

(Signed) Samuel Foreman,
Notary Public.

(SEAL)

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H. M. Vance, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he made the above and foregoing copy of testimony taken at before the Commission at Vinita, Indian Territory, on May 21, 1901, and February 3, 1903, in the matter of the application of Harry Still for enrollment as a Cherokee Freedman, and that the same is a true and correct copy of the original transcript.

H. M. Vance

Subscribed and sworn to before me this 12th day of January, 1904.

Edmond A. Harris
Notary Public.

Department of the Interior;
Commission to the Five Civilized Tribes,
Chelsea, I.T., June 1st, 1901.

In the matter of the application of John J. Rose for the enrollment of himself, as intermarried Cherokee Freedmen; and two children as Cherokee Freedmen; he applying as intermarried; being sworn and examined by Commissioner Needles, he testified as follows:

Appearances:

Mr. Smith of Mellette & Smith, for applicant.
Mr. L.B. Bell, for Cherokee Nation.

- Q What is your name? A John J. Rose.
Q What is your age? A About 53.
Q What is your post office? A Lenapah, Indian Territory.
Q What district do you live in. A Cooweescoowee District.
Q You apply to be enrolled as a Cherokee Freedman? A No sir, as intermarried adopted.
Q Who do you want to enroll besides yourself? A 2 little boys Robert Rose.
Q How old is Robert? A About 15 years old.
Q What is the next child's name? A James Rose.
Q How old is James? A James is about 12.
Q Are you married. A No sir, I am a widower.
Q Your wife not living? A Yes sir, she is living, we was divorced.
Q What is the mother's name of these children? A She is married again.
Q Who has got these children? A I have got them in custody.

Examined by Attorney Smith:

- Q What was your wife's name when you married her? A Emily Dannenberg.
Q Have you a witness here who knew as to whom she belonged?
A Yes sir.
Q Did you know her during the war yourself? A No sir.
Q You can't state from your personal knowledge who she belonged to? A No sir.
Q Nor where she was during the war? A No sir. I never got acquainted with her until after the war.
Q When did you get acquainted with her? A In the fall of '65., near the close of the war.
Q Where was she? A At Lawrence Kansas.
Q In '65? A Yes sir.
Q How long did you stay in Lawrence after that? A I lived in Lawrence about, - let me see, about three years, I think it was '68 when I left there.
Q Did she leave Lawrence? A She left Lawrence in the fall of '66 the next year after the war closed.
Q Did she make any statement as to where she was going? A She was coming to the Nation with her mother.
Q Where did you marry her? A I married her in Lawrence Kansas, the first time I married her, and I married her the second time in the Indian Territory.
Q How did you marry her in the Territory, under what Law?
A Under the Cherokee law.
Q Have you got the certificate? A I have got a certified copy.
(Produces papers).

Attorney Smith: I desire to offer a certified copy of a certificate of his marriage to his wife, issued by the clerk of Cooweescoowee District. (Hands paper to Cherokee Rep've Bell, who examines it.)

John J. Rose et al 2

Com'r Needles: The applicant presents a certified copy of marriage certificate, that he was married according to the laws of the Cherokee Nation on the 28th day of September, 1880; marriage license issued in '74, 28th of December; and married by Samuel Webber, Minister of the Gospel, 28th of September 1880, to Emily Dannenberg.

Examined by Attorney Smith:

Q Have you ever been recognized as a citizen of the Cherokee Nation? A Yes sir, I have been recognized, the rights to vote.
Q Have you voted in the Cherokee elections? A Yes sir.
Q Have you had any permits issued to you? A I don't think I ever applied; yes I have, but I have no copies of them.
Q You have had permits issued to you? A Yes sir.
Q About when do you remember? A It has been 14 or 15 years ago, I never paid any attention to it.
Q Did you ever have any law-suits in the Cherokee courts?
A One, yes sir.

Q Who with? A Man named Curleyhead, Delaware citizen.
Q In what court? A Civil court it was then, held at Dog Creek, Cooweescoowee District.

Cherokee Rep've Bell: I object to the introduction of this evidence, for the reason that it is not the best; the records could be obtainable, or showing ought to be made that they are not obtainable.

Com'r Well, go on.

By Attorney Smith:

Q Well, now Mr. Rose, where do you live now? A I live five miles north of Lenapah, Cooweescoowee District, Cherokee Nation.
Q Are these two children Robert and James, living with you? A Yes sir, when I am at home they are.
Q Are these children on any of the rolls? A Yes sir.
Q Robert and James, what rolls? A They are both on the Kerns-Clifton roll, and I think one of them is on the Wallace roll, I am not positive.
Q How old is Robert? A 14, going on 15.

Kerns-Clifton roll of citizens of the Cherokee Nation examined for applicant's children and identified
page 146 #3619 Robert Rose, Cooweescoowee District.
page 146 #3621 Jim Rose, Cooweescoowee District.

1880 authenticated roll of citizens of the Cherokee Nation examined and applicant not identified thereon.

1896 census roll of citizens of the Cherokee Nation examined and applicants not identified thereon.

Kerns-Clifton roll of citizens of the Cherokee Nation examined and applicant's former wife identified as follows:
page 146 #316 Emily Rose, Cooweescoowee District.

Examined by Cherokee Representative, L.B. Bell:

Q You don't claim anything but intermarried right? A No and the right to enroll these children.
Q When did you marry Emily Dannenberg first? A First time I married her I think it was in 1867, along in June.

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FURTHER TESTIMONY IN THIS CASE TAKEN BY STENOGRAPHER
CHARLES VON WEISE.

M.D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(signed) M.D. Green

Subscribed and sworn to before me this June 1st, 1901.

(signed) T.B. Needles
Commissioner.

June 1st 1901. CONTINUATION of the above.

By Chas. Von Weise, Steno.

Harry Still being sworn by Com'r Needles, as a witness for the applicant testifies as follows:

By Mr. Smith.

- Q What is your name? A Harry Still.
Q What is your post office address? A Hayden.
Q How long have you lived in the Cherokee Nation? A About 56 years.
Q How old are you? A About 54 years old.
Q Did you know Emma Rose or a woman who was the wife of John J. Rose? A Yes sir.
Q What was her name before she married Rose? A Dannenberg.
Q Was she a slave? A Yes sir.
Q Who did she belong to? A Dick Dannenberg.
Q Was he a Cherokee citizen? A Yes sir.
Q Where was Emma Dannenberg when the war broke out? A She was living with her master then.
Q Where? A In Flint.
Q In the Cherokee Nation. A Yes sir.
Q Do you know if she was taken out of the Cherokee Nation during the war? A Yes sir.
Q Did she come back after the war? A Yes sir.
Q When did she come back? A In the fall of '66 long about the 1st part.
Q Who came back with her? A She came back with her mother, sister, brother, me, my mother, my sister, Reed Whitney.
Q Where did you come to? A Come to Lightning Creek.
Q How old was Emma at that time? A Her and Jane was both good sized girls--young ladies.
Q Who was their mother? A Tilda Dannenberg.
Q Where did they locate when they came? A Stopped at a place now known as Hayden.
Q And where is this woman Emma now?

J. J. Rose 4.

A She is living about 8 miles from Hayden in what is known as the Jim Martin settlement.

Q Where does John Rose live? A Some six miles from Lenapah.

Q How long has he lived there? A The first time that I saw those people I can't exactly fix the date, it was on California creek over 20 years more than that, must have been in '75 or '76.

By Mr Bell-

Q Was this Tilda Dannenberg married? A No sir, she was a widow.

Q Where did she settle? A Near what is Hayden now.

Q How long did she live there? A 5 or 6 years.

Q And kept these children with her? A Not all the time.

Q How long did she have them? A 2 or 3 years when she first came there.

Q I mean Emma Rose-- I am speaking of John J. Rose' wife? A That is Emma--she kept Jim with her all the time.

Q I am speaking of John J. Rose' wife? A That is who I mean.

Q When did you come back to this country? A That first time?

Q Yes sir. A In '65.

Q And then you came back again? A Yes sir.

Q In '65? A Yes sir.

Q Are you on the 1880 roll? A I am a citizen all right and was admitted at Vinita.

Q Are you on the roll of 1880? A I said I was a citizen all right.

Q Who came back besides your family? A Reed Whitney, Joe King, Andy Rider.

Lewis Whitmire, called and sworn as a witness for the applicant

By Mr. Smith:

Q What is your name? A Lewis Whitmire.

Q Where do you live? A Hayden, I.T. on Lightning creek.

Q How long have you lived in the Cherokee Nation? A Never lived out of the Cherokee Nation.

Q Do you know John Rose? A. Yes sir.

Q How long have you known him? A I have known him about 25 years.

Q Do you know his wife Emma? A Yes sir.

Q Who did she belong to before the war? A Mr. Dannenberg, and his family.

Q Were they Cherokee citizens? A Yes sir.

Q Where did they live? A I cant tell exactly if it was in Flint or Goingsnake, 2 or 3 miles from the line.

Q How big was she when she came back? A I don't recollect how big but she was a small girl when the war commenced.

Q She was out of the Cherokee Nation when the war was going on was she? A Yes sir I guess so.

Q Where did you first see her after the war? A Her mother was at the old Harry Still place up on Lightning creek.

Q When did you first see her---with her mother? A Some time in the winter of '66.

Q Did you know who she was with? A With her mother.

Q Did you come back to this country the same time Harry Still did or not? A No sir I came down same summer though.

Q Do, you know who brought this woman and these children to the Cherokee Nation? A No sir.

Q How long did you continue to see them ^{up} around there? A They were there 5 or 6 weeks, taken a claim there, it was cold weather, they got dissatisfied and gave it up.

Q Where did you next see them? A On Goose neck Bend, I was up there to the Chief election up there and seed them.

Q Have you ever been to the Rose house at Lenapah? A No sir.

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By Bell:

Q How far from the Harry Still place do you live? A Just a short mile just like going from here over in town.

Q That was in 1866 that you say you was over there and saw these people.

A Yes sir.

Q How long did Mr. Rose stay there with her mother? A I just saw them there a short time.

Q About how long? A 3 or 5 weeks.

Q Where did she go then? A I don't know where she went, the next I heard of them was that they had a place up near Lenapah, I has never been to their place there, don't know where it is.

Q You know that they lived up near Lenapah though? A Yes sir.

John Landrum called and sworn as a witness for the applicant.

By Mr. Smith:

Q What is your name? A John Landrum.

Q Where do you live? A On Lightning creek.

Q What is your post office? A Hayden.

Q How long have you lived there? A 30 years.

Q How long have you lived in the Cherokee Nation? A I was birthed here and raised here.

Q Do you know Emma Rose who was the wife of John Rose? A Yes sir I am slightly acquainted with her.

Q Did you know her before the war? A Yes sir I saw her a time or two.

Q Was she a slave? A Yes sir.

Q Who did she belong to? A The Dannerburgs.

Q Where was she when the war came up? A In Flint district.

Q When did you first see her in the Cherokee Nation after the war?

A On Lightning creek.

Q When? A Fall of '66.

Q Who was she with? A Her mother Tilda.

Q Do you know how long they staid in that neighborhood? A I think they must have staid there 4 or 5 years as near as I can recollect.

Q How far is it from where you saw them to Lewis Whitmires? A 2 miles north east.

By Bell:

Q You say you knew Emma Rose before the war? A Yes sir I saw her.

Q About what size was she when the war came up? A Small.

Q 4 or 5 years old? A I don't know, I was small myself.

Q About what age was she? A Might have been 7 or 8 I don't know.

Q Where did you see her before the war? A Where they lived on Flint.

Q Where did you live at that time? A On Spavins, this side of Mayesville.

Q How far from Mayesville did they call it? A About 12 miles, on the Military road right on Spavins, the Jess Buffington place is where I was raised.

Q How far was that from the Dannerburg place? A It was a long ways.

Q How old were you Jack? A 30 as near as I can come.

Q What was you doing there at the Dannerburg place at that time? A My master carried me up there.

Q When was that? A That was a long before the war came up.

Q Well how long before the war came up? A I cant tell exactly, it was not so long before the war came up though.

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Q Who was your master? A At that time I belonged to Jim.
Q Jim Landrum? A No sir Jim Musrat they called him.
Q What was he doing there at the Dannenburg place? A On business I guess.
Q Selling some of you? A No sir not exactly, I don't know, I never was sold in my life.
Q How many days did it take you to go up there from where you lived?
A 2 or 3 days or more in wagons.
Q How long did you stay there after you got there? A 2 or 3 days.
Q Can you tell close to where they lived in Flint? A No sir I can't.
Q You got through with that visit and came back home and never saw her again until you saw her up here, of Lightning? A Saw her mother in Fort Scott.

Applicant recalled and examined by Mr. Smith.

Q Where were you living in 1880? A On California creek, near the Whiskey crossing.
Q Were you and Emma living together then as man and wife? A Yes sir.
Q Do you know why you wasn't put on that roll? A At the time the census takers came round in the spring of '75 the census takers was Dick Duck and Mr. Hicks, they come to the house and my wife was absent and I gave her name and all the rest of the family; there was an order from the Chief or the executive office for all those who had not met the census takers before to appear at the district clerks and give their census, and in '75 I taken my mother in law and went to the clerk and she gave them in and swore to it and proved it by John Freedman--that was the same year that Mr. Wallace made the roll of the freedmen that I went to Tahlequah and got Mr. Rasmus to go and examine the office and see if my people was down and he did and the clerk there told him the the district clerk, C.C. Lipe had never sent in any such reports.

By Bell-

Q That was in '75 A Yes sir, the time that Jacob Lipe was clerk he took the oath and they said that the first oath that he took there was that of this her woman's mother, Tilda Dannenburg.

By Smith.

Q Do you know why she was not placed on the 1880 roll? A Just rejected her then, they disputed her after that.
Q You were here at the time? A Yes sir.

By Com'r Needles, -John J. Rose applies for himself and two children Robert and James Rose, and he makes satisfactory proof of his marriage to Emma Dannenburg according to the laws of the Cherokee Nation; the name of his wife is not found on the authenticated roll of 1880, but is identified on the Kern Clifton and Wallace rolls; the names of the two children above named are by his said wife Emma, and are identified on the Kern Clifton roll; he makes satisfactory proof as to his marriage in the year 1880 according to the laws of the Cherokee Nation; they are all duly identified but for the reason that the name of the said Emily Dannenburg, the wife of the said John J. Rose does not appear on the authenticated roll of 1880, and because of the fact that the Cherokee Nation protests the enrollment of these parties, the said John J. Rose will be listed for enrollment as a Cherokee Freedman by intermarriage on a doubtful card, and the two children James and Robert Rose will be listed for enrollment as Cherokee Freedmen on a doubtful card, and the final decision of the Commission will be made known to them by mail.

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Chas. von Weise, being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full that

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portion of the testimony as indicated as having been taken by him, and that the foregoing is a full, true and correct transcript of his stenographic notes therein.

(signed) Chas. rep Weise.

Subscribed and sworn to before me this the 6th of June, 1901 at Chelsea, I.T.

(signed) T.B. Needles
Commissioner

Endorsed on back as follows:

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

F I L E D

JUN 6, 1901.

(signed) JAMES HIXBY

Acting Chairman.

Flora L. Ross, stenographer to the Commission to the Five Civilized Tribes, hereby certifies that the above and foregoing is a true and correct copy of the original now on file with the Commission.

Flora L. Ross

Subscribed and sworn to before me this 14th day of December 1901.

W. H. Humphreys
Notary Public

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Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T. October 23rd 1901.

SUPPLEMENTAL TESTIMONY in the matter of the application of John J. Rose, C. F. B. 474.

Appearances:

James S. Davenport for the Cherokee Nation.
Mellette & Smith for the applicant.

PHILLIS GUNTER being first duly sworn by Com'r T. R. Needles, testified as follows on the part of the Cherokee Nation:

(By Davenport)

Q What is your name? A Phillis Gunter.

Q Where do you live? A In Gooseneck Bend, Coowasee district.

Q How old are you? A I just dont know my age exactly.

Q Do you know John J. Rose? A Yes sir, I know him.

Q Do you know Emily Nolen who was formerly the wife of John J. Rose? A Yes sir.

Q Where did you first get acquainted with them? A I was acquainted with their mother in Slave times.

Q With their mother, whose mother do you mean? A Emily's mother.

Q What was her name? A Matilda Dannenburg.

Q Were John J. Rose and Emily Nolen any relation to each other? A Yes sir they got married.

Q Where did they get married? A In Kansas somewhere, I cant tell exactly the place.

Q Where did you know John J. Rose and Emily as man and wife? A Right there in Lawrence.

Q When did you come back to the Cherokee Nation after you knew them in Lawrence? A As near as I remember it was the year before the Grass or Bread payment.

Q Do you know what year that was, what year the bread payment was made? A No sir.

Q Where was John and Emily living when you come back from Lawrence? A I left them up there.

Q Up where? A Lawrence Kansas and never seen them any more until they came here.

Q Did they have some children? A Yes sir.

Q Do you know the names of any of them? A A little boy named Charlie and a girl named Lizzie is all they had then.

(By Smith)

Q Are you a freedman? A Yes sir that is what I have been claiming.

Q Are you on any of the rolls of the Cherokee Nation? A Yes sir.

Q What rolls? A My case was taken up at Chelsea.

Q I ask what rolls you are on? A Clifton and Wallace rolls I guess they call it.

Q Who did you belong to before the war? A I belonged to a woman, she was a Starr before she married and she married a man name Latty.

Q What was her name before she married? A Jane Starr.

Q What was her father's name? A I dont know.

Q Where did they live? A At the old home up in Flint and in Sequayah. Near what town? A Not close to any town, lived out in the country, the closest town was Evansville.

Q Were you living there when the war commenced? A Y-s sir.

Q Where did Emily's mother live? A With Mrs. Dannenburg.

Q How far from where you lived? A In the same district but it was further off, north from me, I cant tell the distance exactly.

Q Was it 10 miles? A No sir, I dont think it was quite that far.

Q You didnt know Emily herself before the war? A Yes sir I knowed her.

Q I thought you said you knew her mother--what was her mother's name? A Matilda Dannenburg.

Q Did you, or did you not know Emily before the war? A I think Emily

was born before the war, if she was she was a small child; I know I saw her in her mother's arms.

Q Was that before the war? A Yes sir.

Q Sure of that? A Yes sir.

Q Where did you ever see her in her mother's arms before the war? A With her mother at the Dannenburg place.

Q How many times were you at the Dannenburg place? A I was hired out to his brother Nathan.

Q How far did the two Dannenburg brothers live apart? A I can't say exactly how far.

Q Can't you give some idea as to how far? A I don't know exactly.

Q Did they live 400 miles apart? A Nathan lived in town and one lived in the country.

Q Was it 400 miles apart? A No sir it wasn't, I don't suppose it was over five miles, it wasn't five miles, it was between 3 and 4 miles I guess.

Q When the war came up where did you go? A When the war came up for a little while—when the war was raging so I was with my masters at Pawmali a while and then came back to the old home place.

Q When did you go up to Kansas? A About the time of the close of the war, just about the time that Quantrell's raid was in Lawrence.

Q What place in Kansas did you go to? A Lawrence.

Q Where was this Matilda then, didn't you say you saw Matilda there?

Q When I first went up in Lawrence?

Q Yes sir? A I didn't see her when I first went there, we lived on one side of the river and they lived on the other, but I shortly afterwards saw her, I didn't see her for the first day or two after I got there.

Q You said a while ago that you saw Emily in her mother's arms you thought before the war, how long before the war was it? A I can't say I don't know, I don't recollect that far back, I have told it as straight as I know.

Q You claim to have known this woman ever since she was a little baby, how when was she a little baby? A I can't say.

Q How big was she when the war came up? A Quite a little girl.

Q How many years old? A I don't know, never paid any attention, just seen them and knowed that, I don't know anything about the ages.

Q Was she three years old? A She might have been and might have been more.

Q Well, about how old? A I don't know.

Q You saw her and would know the difference between a girl three years old and one ten years old wouldn't you? A Yes sir I might.

Q You are in doubt about that are you? A Yes sir.

Q How old was Emily when you saw her at Lawrence? A Little child.

Q How long did you live in Lawrence? A I don't know how many years, I staid there a good while.

Q You don't know if it was one year or two years or 22 years? A I know it wasn't 22.

Q Was it over two? A Yes sir I guess it was.

Q How much over? A I don't know.

Q Was you living there as much as five years? A I don't know if I did or not, I know I was there that is all I do know.

Q Can't you give some idea—was you there as much as five years? A I don't know if I was there five years or over five years or under five years, I don't just exactly know the years or dates, I know I was there quite a while, I know I was there two or three years any way.

Q You can be safe in saying that it was over two years, two or three years? A Yes sir.

Q You wouldn't swear positively that you were there as much as five years though? A No sir.

Q You will swear positively that you were there as much as two or three years? A Yes sir for I know I was there that much.

Q Who did you live with there in Lawrence? A With my husband.
 Q Who was he? A Harry Carter. Q Is he living or dead? A Dead.
 Q When did he die? A A year and six months ago.
 Q Since you came here? A Yes sir.
 Q You don't know what year it was when you came to Lawrence? A No sir
 I don't know that, I know.
 Q It was some time after you went up there before you saw this
 Matilda? A Yes sir.
 Q When you discovered her there how far was she living from you? A
 Must have been 2 or 3 miles, she wasn't living right in town, she
 lived kinda in the country.
 Q You lived in town? A I lived on the north side of the river, the
 river was betwixt us and town.

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This will be filed in the original application, that of John J. Rose,
 C. F. D-474 and also in Cherokee Greenen doubtful cases, D-514;
 D-515; D-516; D-517; D-518; D-519; D-520; D-521; D-477; D-804; D-882;
 D-883 and R-132.

Chas. von Weise, being first duly sworn, states that as stenographer
 to the Commission to the Five Civilized Tribes he reported in full
 all the proceedings in the above cases and that the foregoing is a
 full, true and correct transcript of his stenographic notes therein.

Chas. von Weise

Subscribed and sworn to before me this 24th of October, 1901.

A. H. Hutchinson

Commissioner.

To be filed with _____

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., October 28th, 1901.

SUPPLEMENTAL TESTIMONY in the matter of the application of Joe
Rose D.F.B. 350.

Appearances:

W.W.Hastings, for the Cherokee Nation,
Mallette & Smith for the applicants.

BY MR. HASTINGS: The Representatives of the Cherokee Nation ask that the testimony of Sam Webber, re-called, in the case of Jefferson Rose, and others, Freedmen D 972, be made a part of the record in this case.

COMMISSION - It is further ordered that a set of all the testimony given by Sam Webber in Cherokee Freedmen Doubtful case 832, the same being the case of Jefferson Rose be filed in the case Cherokee Freedmen D 550, of Joe Rose, and in Cherokee Freedmen D 494, of Chlois Grayson and in Cherokee Freedmen D 516, of Aaron Webber.

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Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I.T., June 26, 1901.

In the matter of the application of Jefferson Rose for the enrollment of himself and four children as Cherokee Freedmen.

Appearances:

Mallette & Smith, attorneys for applicants,
W.W.Hastings, counsel for Cherokee Nation.

Sam Webber, being duly sworn by Commissioner Gooden, testified as follows:

Q Mr. Smith: What is your name? A Sam Webber.

Q How old are you? A About 58.

Q Where do you live? A I live about two miles west of here.

Q How long have you lived in the Cherokee Nation? A I was born and raised here, and after the war came back.

Q Do you know this applicant, Jefferson Rose? A Yes, sir.

Q Were you acquainted with him before the war? A No, sir, I wasn't acquainted with him before the war.

Q When did you first know him? A I got acquainted with him just after the war.

Q Where? A Here in the Nation.

Q About what part of the Nation? A He came to my house thereon Big Creek in the Nation.

Q What time? A Along in the spring of '69.

Q Do you know of your own knowledge when he first came back to the Territory after the war? A No, sir, I don't know of my own knowledge.

Q Do you know where he was living at the time he came to your house?

A He had been working on Snow Creek he claimed and he was on his way hunting his sister.

Q Did you ever see him after you saw him that time? A I put him on the trail down to his sister's and I never saw him for quite a little bit from that; when I saw him he was there on Lightning Creek.

Q Did you see him then after that at his sister's? A I saw him then often and on far near about two years I guess.

Q Where? A There at Lightning Creek.

Q In the Cherokee Nation? A Yes, sir.
Q Was he a married or a single man at that time? A He was a single man to my knowledge.
Q Do you know where he is living now? A No, sir, I don't.
Mr. Hastings: You saw him around here for about two years?
A Yes, sir.
Q Then how long was it till you saw him again, Sam? A I remember after that of seeing him on Big Creek again.
Q How long after that? A Must have been six months of a year after that I met him again there.
Q You know where he was married? A No, sir, I can't tell you.
Q Was he married at that time? A If he was I didn't know it.
Q Did you know his wife? A No, sir, I don't know his wife.
Q Did you ever see his wife? A Not to know it was her.
Q Has this man ever kept house to your knowing? A When I saw him he was to his sister's.
Q What was her name? A Katie Thornton.
Q You never saw him in a separate, independent house, keeping house with his family? A No, sir, never did.
Q What is his occupation? A I can't tell you.
Q Did you ever see him making a crop anywhere? A I never saw him farming, I have seen him working for people around there.
Q He never made a crop to your knowledge? A No, sir, not to my knowledge.
Q Has he got any special occupation like a carpenter? A Not as I know of.
Q What is Katie Thornton's husband named? A Henry Thornton.
Q Was that her husband at that time? A Yes, sir.
Q With whom does this man stay now? A I don't know that.
Q You never saw him anywhere except around to his sister's? A That is all I have noticed him.
Q Did he have any children when you saw him? A I never saw them if he did.
Q You don't know where his family were, if he had any? A No, sir.

Sam Webber, re-called, testified as follows:

Mr. Hastings: Mr. Webber, when were you first married? A When I first married, I married just a short while after the war, I don't remember what year.
Q Before you came down here? A After I came down here.
Q Well, about how many years after you came down here? A It wasn't a year I guess after I came here.
Q Well, you know what time of the year you were married? A I was married along in the winter.
Q Was that the same winter you came, or the winter of '67? A It was along about, it throwed in '67, it was after Christmas.
Q You mean in January of '67 or the last part of '67? A It was along after Christmas, I don't remember the date.
Q What was your wife named? A My wife at that time was Rinda Martin.
Q When did you commence keeping house? A I went in my house when I first came there.
Q You and your wife keeping house separate and apart? A I was keeping house when I was single, I built me a little house, and was living in there.
Q What time in the year did you and your wife move into that house? A We moved right in the house after we were married.
Q And you don't remember when that was, what time of the year? A Along after Christmas; I was already in the house.

H. D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he made the foregoing copy and that the same is a true and complete copy of the original transcript.

(Signed) H. D. Green.

Subscribed and sworn to before me this November 16, 1901.

(Signed) J. C. Starr,
Notary Public.

(SEAL)

I, A. R. Cheever, being duly sworn, state that as stenographer to the Commission to the Five Civilized Tribes, I made the foregoing copy and that the same is a true and complete copy of a certified copy of the original transcript.

A. R. Cheever

Sworn to and subscribed before me this 11th day of August, 1902.

Grace E. Jones
Notary Public.

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The following is a true and correct transcript of the statement made by the undersigned in his capacity as a member of the Committee on the Judiciary, United States Senate, in a hearing held on the 11th day of June, 1954, at the United States Capitol Building, Washington, D. C., in connection with the hearing on the nomination of the Honorable Earl Warren to the United States Supreme Court.

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The following is a list of the names of the persons who have been appointed to the various committees of the Board of Directors of the City of New York, for the year 1901:

Labrador, Russia

WILLIAM B. WILSON

(See)

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to be filed with C. F. D-474.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., April 11, 1902.

In the matter of the application of Charles C. Smith et al
for enrollment as Cherokee Freedmen.

SUPPLEMENTAL TO D-514.

Applicants represented by Mellette & Smith, Vinita, I. T.
Cherokee Nation represented by W. W. Hastings and J. S.
Davenport.

The Cherokee Nation by its representatives makes satisfactory proof of service on the applicants' attorneys, Mellette & Smith, that it would on the 11th day of April, 1902, at the offices of the Commission at Muskogee, Indian Territory, introduce testimony tending to disprove the right of the said Charles C. Smith et al to enrollment as Cherokee Freedmen.

The applicants and their attorneys have this day, to wit the 11th day of April, 1902, been called and fail to respond either in person or by attorney.

HATTIE DRAKE, being first duly sworn, testified as follows:

MR. HASTINGS: What is your name? A Hattie Drake.

Q What is your age, Mrs. Drake? A 48 my next birthday.

Q Where do you live? A Lawrence, Kansas, Douglas County.

Q How long have you been living in Lawrence, Kansas? A Well, I was brought there when I was quite a little girl, and I lived there until after I was married, and then I went away and lived ten years, and then moved back to Lawrence and been there ever since, and that's been about seventeen years.

Q Well, where were you living when the war closed? A I was living in Lawrence, not in the city, in the country just a little piece from town.

Q Well, did you move into town after that, after the close of the war, immediately after the close of it? A No, sir.

Q You were living right in the edge of the town? A Yes, sir, might say; I went to school in town.

Q Did you know a colored woman by the name of Matilda Dannenberg?

A I knowed a colored woman by the name of—knowed of her—by the name of Matilda Colbert.

Q Well, did you know any of her children? A Yes, sir.

Q What were their names? A One was named Jane and one was named Emily.

Q Did they have a brother there by the name of Jim? A Yes, sir, there was a little boy they called him either Jim or James, it seems to me they called him Jimmy.

Q Where did you know these girls? A I went to school with them in North Lawrence.

Q Was that after the war closed? A Yes, sir, I am pretty certain it was, I know where we lived when the war closed, and I went from there to school.

Q It was after this time? A Yes, sir.

Q How long did you go to school with them? A Well I couldn't tell just exactly how long, but I went to school two different times, I won't say terms, because I never did go to school a whole term in my life, but two different times I was at school with Jane and Emily; I won't say that I went to school with the little boy, but I have seen him, know him.

Q And you knew of their mother? A Yes, sir, I knew of their mother.

Q Did you know about where she lived in the town or city? A Well, I don't know as I was ever at her house, but my understanding was that she lived on Walnut Street in North Lawrence.

Q You knew of her living there? A Heard of it, yes, sir, heard of her living there.

Q You went to school two different times with them? A Yes, sir.

Q Do you remember what years they were? A No, sir, I couldn't tell you.

Q Couldn't tell? A No, sir.

Q Do you know what become of these girls? A No, sir, I don't know what become of them, but I heard, I heard that they moved from Lawrence to Topeka, but I never did see them in Topeka.

Q Well do you know whether Emily was married there or not? A I didn't see her married, I heard that she was.

Q Where? A In Lawrence.

Q To whom? A A man by the name of— I heard her husband was named Rose, John, I believe, Rose.

Q You only heard of this like any other circumstance in the town?

A Yes, sir, I didn't see them married and didn't know her husband.

Q Didn't know her husband? A No, sir.

Q Was Jane married when she left there? A If she was I never heard of it.

Q You heard when they left there that they went to Topeka? A Yes, sir, what I heard; Never saw them in Topeka at all.

Q Never saw them? A No, sir.

COMMISSION: How old did you say you were? A I am 47 past, I will be 48 years old the first day of June.

Q Where do you live? A I live in Lawrence, Kansas, Douglas County.

Q When did you first begin to know the mother of these children that you are speaking of? A Well, I didn't know the mother so well, I have just heard of her, know of her.

Q When did you begin to know the children? A When I was going to school with them.

Q You don't know when that was? A I couldn't tell you what year, no, sir.

Q About how old were you, have you any idea? A Well, I was about 11 or 12, between 11 and 13 years old I will say; my mother didn't exactly know my age, but that's what she says that she was—

Q Sometimes after the close of the war was it? A Yes, sir.

Q Well, now, how long did these people continue to reside in the same community where you were living? A After I got acquainted with them?

Q Yes. A Well, I couldn't tell you.

Q Were they living there when you came, or did they come afterwards? A I couldn't tell you that.

Q Haven't you any idea how long they continued to live there?

A No, sir, I don't know how long they lived there.

Q Do you know when they came to your neighborhood? A No, sir, I lived kind of in the country, and the cause of my knowing these girls I went to school with them, I met them first, I can remember I met them at school.

Q That was after the close of the war was it? A Yes, sir.

Q Do you know where they came from? A No, sir.

Q How long did you continue to know them at that place? A Well I couldn't tell that exactly; I know I went to two different schools with Emily and Jane, and I couldn't tell you just how long, I was quite a little girl myself.

Q Did you ever miss them from that neighborhood during the time that you were there? A Yes, sir.

Q Do you know where they went to? A I don't know where they went to, I heard they went to Topeka.
Q You don't know then that they did go to Topeka? A No, sir, I never seen them there.
Q Have you seen them since they left that place? A No, sir.
Q Have you ever heard of any of them? A Yes, sir.
Q Where were they living when you heard about them? A I heard that they was living in Topeka.

JOHNATHAN JONES, being first duly sworn, testified as follows:

MR. DAVENPORT: What is your name? A Johnathan Jones.
Q Where do you live, Mr. Jones? A In Topeka, Kansas.
Q How long have you lived in Topeka? A Ever since '66, February '66.
Q You went there after the close of the war? A After the close of the war, I was mustered out—
Q What part of the city did you locate in when you first went there? A When I first went, just outside of the town, out on the prairie just outside of the town.
Q Well, after you went to Topeka, Kansas, did you get acquainted with a colored woman by the name of Tildy Dannenberg or Matilda? A Tildy Colbert she was called when I first got acquainted with her.
Q Well, do you know whether or not this Tildy Colbert as you knew her had any family? A Well, yes, sir, she had three children.
Q What were their names if you know? A There was Emma and Jane and Jim.
Q Was either of them married when you first got acquainted with them? A Well, yes, sir, Emma was married.
Q Do you know what her husband's name was? A John Rose.
Q Did you ever get acquainted with John Rose while they lived there? A Yes, sir.
Q Well, was Jane married or not? A Well, she married afterwards, after they went to Topeka.
Q Do you know to whom she was married? A Oh yes, sir.
Q What was her husband's name? A Charley Smith.
Q Now about what year, about how long has you been in Topeka before you got acquainted with Matilda Colbert? A Well, I suppose I had been there about two years before I got acquainted with them, I ain't positive, a year or two anyway, I can't say positively.
Q How far did you live from them when they first located? A Well, when I first got acquainted with them I lived—they lived on Jefferson and I lived down on—
Q Jefferson street you mean? A Yes, sir, on Jefferson street, and I lived down on Washington close to Crane.
Q Well, did they afterwards move? A Yes, sir, they moved and lived about, I suppose from here over to the building across the way. (Pointing across the street.)
Q What street did they live on then? A Crane street.
Q How far from you then did they live when they lived on Crane? A Well, about as far as from here over to that building across the street.
Q About how far would you estimate that? A They was about half their lot.
Q About half a block? A About half their lot, just the length of 150 feet their lot was you know, and they was a little over half way from me.
Q Well, now, did this woman Matilda Colbert as you know her, marry any more while you knew her? A Well, I can't tell you whether she

married or not, but it strikes me that she did.

Q Now Mr. Jones, how long after you got acquainted with Matilda Colbert and her children did they continue to live in Topeka or near Topeka? A Well, I suppose they lived there about six years, somewhere about that, after I got acquainted with them five or six years as near as I can recollect.

Q Well now while the family lived there was you well acquainted with them? A Oh, I was, yes, sir.

Q About how often would you see them when they were living on Kane Street? A Every day.

Q Did they continue to make that their home? A Yes, sir, till they sold out to come down.

Q Do you know whether or not they owned their property there? A Yes, sir, she owned it.

Q Now this Jim you speak of, what name did he go by? A Jim Colbert.

Q And Jane had married Charley Smith while A She was Jane Colbert when they first went there.

Q And Emily had married? A Married John Reed when they first came.

Q Well, now, do you know where they said they came from when they came to Topeka; where did they say they came from? A Lawrence.

Q Lawrence, Kansas? A Yes, sir.

Q Well, now, about what year did they leave or move away from Topeka, Mr. Jones? A I suppose in '73 or '4, I ain't positive just which, but somewhere along there.

Q They came to Topeka about what year? A They came there I suppose, just my idea is as well as I can recollect, in '88 or '9. I couldn't say positively, but '88 or '9.

Q Went away from there about '73 or '4? A Yes, sir.

Q Somewhere along there? A Somewhere there in that neighborhood, right close about that.

COMMISSIONER: You didn't learn to know these people until about two years after you came to Topeka, Kansas? A Well, somewhere about that, I couldn't say positively just exactly what time, but then somewhere in the neighborhood of two years I got acquainted.

Q It was approximately two years after you came to Topeka when you first learned to know them? A Yes, sir.

Q You went to Topeka in '88? A In '86.

Q You don't know where these people were in '86? A I don't.

Q Haven't any idea? A No, sir.

Q Well now how long did they continue to reside there at Topeka, Kansas; about how long? A Well, I suppose they staid there some live or six years.

Q Do you know where they went to then? A Well, yes, sir, they came down to the Territory.

Q To the Cherokee Nation? A Yes, sir.

Q Haven't they resided in Topeka since that time? A No, sir, not that I know of.

MR. DAYENPORT: The Cherokee Nation offers in evidence a certified copy of a marriage license of Joseph Lacy, of Topeka, Kansas, to Matilda Dammertburg, of Topeka, Kansas, dated February 5, A. D. 1888; also marriage license of William Rose, of Topeka, Kansas, to Matilda Lacy, of Topeka, Kansas, dated April 5, 1888; said documents being as follows:

State of Kansas,
County of Shawnee. ss. Office of Probate Judge of said County.

Be it remembered, that on the sixth day of February, A. D. 1888, there was issued from the office of said Probate Judge, a marriage license

same, of which the following is a true copy:

—(Marriage License)—

Shawnee County, State of Kansas, February 6,
A. D. 1868.

To Any Person Authorized by Law to Perform the Marriage Ceremony
Greeting:

You are hereby authorized to join in Marriage, Leona Lacy of Topeka, aged 23 years and Matilda Denburg, of Topeka, aged 30 and of this license you will make and return to my office within thirty days.

(Seal) Lewis Hanback, Probate Judge.

And which said Marriage License was afterwards, to wit: on the 26th day of February, A. D. 1868, returned to said Probate Judge, with the following certificate endorsed thereon, to wit: State of Kansas, County of Shawnee, ss:—

I, Thos. Wilson, clergyman do hereby certify, that in accordance with the authorization of the within license, I did on the 7th day of February, A. D. 1868, at Topeka, in said County, join and unite in Marriage the within named Joseph Lacy and Matilda Denburg.

Witness my hand and seal this day and year above written.

Thos. Wilson.

Attest:

Lewis Hanback,
Probate Judge.

State of Kansas,

County of Shawnee.

Office of Probate Judge of said County.

Be it remembered, That on the fifth day of April, A. D. 1873, there was issued from the office of said Probate Judge, a Marriage License, of which the following is a true copy:

—(Marriage License)—

Topeka, Shawnee County, State of Kansas,
April 5th, A. D. 1873.

To Any Person Authorized by Law to Perform the Marriage Ceremony
Greeting:

You are hereby authorized to join in Marriage, William Rose of Topeka, Kansas, aged 24 years and Matilda Lacey of Topeka, Kansas, aged 33 years and of this license you will make and return to my office within thirty days.

(Seal) D. C. Mettaker, Probate Judge.

And which said Marriage License was afterwards, to wit: on the 10th day of April, 1873, returned to said Probate Judge with the following Certificate endorsed thereon, to wit: State of Kansas, Shawnee County, ss:—

I, Rev. E. S. Corn, do hereby certify that in accordance with the authorization of the within license, I did on the sixth day of April, A. D. 1873, at Topeka, in said County, join and unite in Marriage the within named William Rose and Matilda Lacey.

Witness my hand and seal this day and year above written.

E. S. Corn.

Attest:

D. C. Mettaker,
Probate Judge.

I, W. B. FAGAN, Judge and ex officio Clerk of the Probate Court within and for the County of Shawnee and State of Kansas, do hereby certify that the above and foregoing is a full, true and correct copy of the original Marriage license issued by the Probate Judge of this

county to Joseph Lacy and Matilda Denningburg, the original marriage license issued by said Judge to William Rose and Matilda Lacy, and of the original returns endorsed on said licenses by the persons performing the marriage ceremony as the same appears on file and of record in my office.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Court, at my office in the City of Topeka, this 5th day of April, 1902.

W. E. Fagan, Probate Judge.

(Seal)

Also a certificate which is as follows:

Topeka, Kansas, April 2, 1902.

State of Kansas, } ss.
Shawnee County. }

I, F. L. Stephens, Reg. of Deeds of above named county and state, do hereby certify that the records of this office show that one Matilda Lacy acquired title to lot No. 252 on Crane Street in Crane's Add. to Topeka, Kansas, from F. L. Crane, on the 2d day of June, 1873, and further show that she disposed of lot No. 252 on Crane Street in Crane's Add. to Topeka, Kansas, to one Mattie Freeman on the 18th day of June, 1874.

Witness my hand and seal of office this 2th day of April, A. D. 1902.

(Seal and stamp)

F. L. Stephens,
Reg. of Deeds Shawnee County, State of Kansas.

The representatives of the Cherokee Nation offer in evidence a certified copy of marriage license of John J. Rose, of Douglas County, Kansas, to Emma Pollard, Douglas County, Kansas, dated June 28, 1867.

COMMISSION: This testimony will be filed with and made a part of the record in the following Cherokee Freedmen cases: D-474, D-511, D-520, D-512, D-521, D-504, D-477, D-518, D-517, D-515, D-532, D-533, and in the case at bar, D-614.

Arthur C. Croninger, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the testimony and proceedings in the above case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Arthur C. Croninger

Subscribed and sworn to before me this 12th day of April, 1902.

Notary Public.

Superiority and wisdom so become us
 that we are able to do all things.

HOPE

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1. The first part of the document is a letter from the President of the United States to the Congress, dated January 1, 1861. It is a formal address, and it is the first of its kind since the signing of the Constitution. The President, James Buchanan, is addressing the Congress, and he is doing so in a very formal and dignified manner. He is discussing the state of the Union, and he is discussing the issues that are facing the country at that time. He is also discussing the role of the President, and he is discussing the responsibilities of the Congress. The letter is a very important document, and it is a very interesting one to read. It gives us a glimpse into the mind of the President, and it gives us a glimpse into the state of the country at that time. It is a document that is worth reading, and it is a document that is worth studying.

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To be filed with P. D. 474.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, T., May, 15, 1902.

In the matter of the application of Elizabeth Hedge for the enrollment of herself as a Cherokee Freedman.

Cherokee Nation appears by W. F. Hastings.

Applicant appears by J. F. Brown.

MRS. LYDIA BARTON, being first duly sworn testified as follows

MR. HASTINGS: What is your name? A. Mrs. Lydia Barton.

Q What is your last office? A. Fort Scott, Kansas.

Q Do you hold any official position at the present time? A Yes, sir.

Q What is it? A County Clerk.

Q Of the county in which Fort Scott is located? A Yes, sir.

Q Have you an official paper? A Yes, sir.

Q What is it? A Our official paper at the present time is the Republican, but that changes you know from time to time.

Q Do you know what your official paper was in December, 1866, and up to and including March of 1867? A Yes, sir.

Q What was it? A The Fort Scott Monitor.

Q Are you required to keep files of this paper in your office? A We are.

Q Have you a file of the official paper including December, 23, 1866? up to and including March of 1867? A Yes, sir. (Here presents files.)

MR. HASTINGS: The Cherokee Nation offers in evidence the account found in the Fort Scott Monitor of date Wednesday, December, 30, 1866, found on the second column of the editorial page, headed "Another Murder

MR. BROWN: Comes now the agent for the applicant and objects to the introduction of these newspaper accounts for the reason that they are incompetent, irrelevant and immaterial, and purely hearsay.

COMMISSION: The objection will be noted and the newspaper accounts introduced in evidence and considered for what they are worth.

Another Murder.

Shooting of B. Hayford.

Testimony given before the coroner.

On Saturday night, the 22nd, inst., after dark, Mr. Dyer Hayford of this city was found murdered. A colored man, named Eli Hackey, has been arrested, and is in jail, charged with the crime. There would not seem to be much, if any, doubt of his guilt. Mr. Hayford, has been a resident of Fort Scott for several years, has kept a grocery and provision store on the corner of Williams and Bigler Streets, and was a very quiet and inoffensive man. The facts of his murder as we learn them, are these.

On Saturday, about dark, the sack of flour which Mr. Hayford had placed on a box, outside the door of his store, was stolen. Being missed almost immediately, and learning that Hackey had taken it, and was then on his way home with it, (Hackey resides near Fort Scott mills,) Mr. Hayford jumped on a horse and started towards the mill. He had not been gone more than twenty or thirty minutes before several shots were fired, on the road between the city and the mills, where Mr. Hayford was found on the ground, in the last agonies of death. He had received four shots from a weapon, evidently a revolver.

Suspicion was at once directed to Mackey and he was arrested. As the news spread through the city, the excitement and the indignation was great, and many threats of lynching Mackey were made; but wiser and better counsels prevailed, and there was no disturbance.

On Sunday, Justice Mayhew was called on to hold a coroner's inquest. A jury was empanelled, consisting of Messrs. C. F. Drake, Joseph Ray, Frank Clough, Porter Pillsbury, J. W. Garden, and R. L. Phillips. The body of Mr. Hayford having removed to his late residence, the jury proceeded to inquire into the cause of his death. We give the principal part of the testimony given before the jury.

Drs. J. S. Redfield and B. P. Hapler made a post-mortem examination, and testified that they found four distinct organ-shot wounds on the body and face of Wm. Hayford, who in fact, died before them. One shot entered the region of the stomach, came out over the liver, in the side of the back. These wounds bears evidence that the pistol was held close to the body when discharged. Two other wounds found on the body were about two inches above the left nipple and about an inch and a half apart. One ball passing through, coming out below the left shoulder, the other passing downward, and was found close to the spinal column, a few inches below the lower ribs on the left side of the body. The fourth ball entered the upper part of the chin, not fracturing the bone, but lodged in the right shoulder, (evidently fired, we think, after he was on the ground.) The surgeons testified that any of the three wounds found on his body would have been mortal.

Alonso Griffin, colored, who was at Hayford's Saturday evening, just after six o'clock, came on horseback, left his horse at the door, went in and found Hayford alone and coming toward the door. Eli Mackey, colored, was standing on the walk when I went into Hayford's; a sack of flour was standing on the box at the door when I went in; Hayford came out and the flour was gone; he asked me who was there when I came in, and I told him; asked me to get on my horse and follow Mackey and see if he had the flour; did so; rode very fast and overtook Mackey at the mill, going toward the mill; he had stopped and the sack of flour was on the ground beside him; his coat was off and thrown over the flour but the end of the sack was in sight; I rode close to him; he put his hands up to his sides and was blowing right & left; I inquired if he had a new steer with a rope on his neck; he said no; I rode back toward Hayford's and told him Mackey had the flour and where it was; Hayford said he would go and get the flour, and asked me for my pony; he got on and rode down the road; he had been gone a good while before I heard the firing; he had been gone long enough to ride to the mill and back to the place where he was shot, before I heard the firing. When I saw Mackey at Hayford's he had on a soldier's coat; it was off when I found him with the flour. Didn't notice that at any time whether Mackey had any arms or weapons with him; saw him again after he was arrested, a short time after Hayford was killed; he then had a different coat. He asked what he was arrested for; he was told, for stealing flour; he asked who had sold him with the flour; he was then told he had shot Hayford, and he said he had nothing to shoot with. I know that he generally carried a revolver; when I saw him with the flour I didn't notice whether he had one or not. When Hayford started from the store, he said he would go and get Mr. Myers to go with him to get the flour; from the place where I saw Mackey with the flour to that where Hayford was shot, is about one hundred yards. I heard these shots distinctly.

Harry Lender, (colored) sworn - Saturday evening heard several shots fired. Was at home, lived near the mill close by Eli Mackey. About twenty minutes after the shots were fired Mackey came to my door; asked me if his wife was there; told him no. He seemed to be in a hurry. He had on a black soldier's coat; the shooting sounded as if it was south from my house, and about the place where Hayford was found; someone rode down to Mackey's and returned about fifteen minutes before the shots were fired. Saw the coat which Mackey wore when he came to my house; at his house afterward. - Do not know whether he had any revolver then or not. He usually carries one, have seen him have one several times. I did not notice any flour on his coat. It was a navy revolver which Mackey usually carried. He also owns a gun; didn't see that at his house that night. When Mackey left my house he went to his house, and soon afterward heard him going back to town whistling. Mr. Jones found the sack of flour at the edge of the creek; looked as if thrown down the bank. Was found about twenty yards from Mackey's house. Saw Mackey have a revolver on Friday, the day before Hayford was killed.

M. C. H. Myers, sworn - I live about 100 yards east of Eli Mackey's. Saturday night was at home sick abed; a man came to my house and inquired for me; I heard him and knew by his voice that it was Mr. Hayford; have known him several years. He left and my wife said he rode in a northerly direction, that is the way from my house to Mackey's. About five minutes after he left I heard four distinct shots. From the sound thought they were about 150 yards off and southwest from my house. After the firing heard someone walking past, whistling; he was going towards town.

Stephen Looney, (col.) sworn - After dark Saturday night I saw Eli Mackey at Smith's saloon. He asked me to play cards with him that night. He went out and I told him not to stay long. I waited a good bit and Mackey didn't come back and I went out and called him; he didn't answer. I then went over to Hayford's and learned that a sack of flour had been stolen. Didn't notice whether Hayford was there or not. Alongo Cullin told me he saw Mackey on the road towards home, and that Mackey heard me call, but wouldn't answer. Didn't see Mackey again until Mr. Jones had arrested him, and brought him up to town. When I saw Mackey at Smith's he had on a soldier's freak coat; he had a revolver on him then; it was a big navy revolver. When I saw him after he was arrested, I think he had on a different coat.

Daniel O'Neil, sworn - Saturday night I was at Kirby's and heard a shot fired; and soon after heard a man halloo; run out and another shot was fired before I got out; immediately after heard another shot and saw the flash of a pistol down in the bottom toward the mill. Alex Harris, Westly Dickey and myself run down the road. We found a man lying on his side; his face was turned downward; he was alive but could not speak. From the sound I know it was a pistol that was fired. Came to town to find Mr. Jones, Deputy Marshal.

The coroner's jury returned to the justice their inquisition, stating that Dyer Hayford came to his death by gun-shot wounds received at the hands of Eli Mackey; they also found that Mackey had feloniously and wilfully fired the revolver at Mr. Hayford with intent to kill him.

Mackey will have his examination soon, before Justice Kargrave, and will no doubt be committed for trial at the next April term of the district court. Mackey is said to be a very dangerous man; he was raised in the Cherokee Nation, and is said to be part Cherokee. He is also accused of having assassinated two men in the nation, before he came to Fort Scott.

and he was once before arrested here, for shooting at a man; but before his trial came off the prosecuting witness left for parts unknown, and Mackey was discharged without trial. Let him be tried for the offence with which he now stands charged, and if guilty he should expiate his crime on the gallows."

MR. HASTINGS: I desire to introduce an editorial from the Fort Scott Monitor of date February, 27, 1867, as follows:

"Eli Mackey, colored, accused of the murder of Dyer Hayford, confined in our jail, to await his trial at the next term of the District Court, for murder in the first degree, escaped last evening, and up to the time of going to press this morning, has not been heard of. A reward of two hundred dollars is offered for his apprehension."

MR. HASTINGS: The Cherokee Nation offers in evidence the following from the Fort Scott Monitor of Wednesday, March 27, 1867:

"A Chapter of Horrors.

Murderer of Hayford Captured and Hung.

Tragic events connected with the affair.

The history of our community for the past week is replete with horrors, such as will, for long days to come, overshadow the hearts of our citizens with gloom.

A few weeks ago, we published an account of the escape of Eli Mackey, the black fiend, who last winter murdered Dyer Hayford. Ever since that time the officers of justice have been on the alert with a view of his recapture, and on Wednesday, the 20th inst., Deputy Sheriff Wheaton, having learned that the murderer was concealed in his brother's house, about five miles northeast of this city, started, in company with his son, Charles T. Wheaton, Edward Coe - who were on police duty in this city - and Benj. Files, for the purpose of capturing him.

On arriving at the house, Messrs. Coe and Wheaton, Jr., approached and ordered the wretch to surrender. In return he fired several shots through the partially open door, and then ran out of the house into the open prairie. Coe, being nearest, received the first shots that were fired. He stepped to the corner of the house, sat down and expired in about fifteen minutes. Immediately after Charley Wheaton received a ball in the right side and fell to the ground. For some time no hope was entertained for his recovery; but at the present writing his condition is improved, and his friends entertain some hopes that he will live.

In the mean time a number of the neighbors had gone around and headed by Capt. Curtis Johnson, Mr. Files and Mr. Dickinson started in pursuit. The murderer, with a gun and revolver in his hands, ran fleetly across the prairie, firing at his pursuers as he ran, and dropping down to load as fast as his weapon became empty. Finally, when nearly dead from the wounds he received from his pursuers, he signified his readiness to surrender; but even after they approached him his bloodthirsty spirit was not satisfied, and he fired the two remaining shots in his revolver at the crowd. Fortunately, no one was injured, though Mr. Dickinson had part of his coat shot off. After the murderer was secured he was taken back to the house from which he had fled and hung by the neck until he was dead. Before his death he tried to implicate an innocent negro in the murder of Mr. Hayford, but having been caught in the falsehood, he confessed to having committed the deed himself. He also confessed to having killed five other men, and also to having shot at Major Kefferd last winter. - All reports indicate that he has always been a character with scarcely a parallel in the annals of history for desperation

and bloodthirstiness. - We are informed that at one time, in the Cherokee Nation, 25 men attempted to arrest him but failed on account of his desperation. The colored people, who knew him, were terrible afraid of him. History has seldom presented a character so utterly lost even to every sentiment of humanity.

As a general rule, we have always depreciated the taking of life except by due process of law, as dangerous to the peace and quiet of the community and to the best interests of society. We have always found that nothing but the most extreme necessity would justify it, but we believe in this instance that necessity existed; for every moment this desperado was allowed to live, endangered the lives of good citizens. We learn that the house he occupied was since burned to the ground. The sufferers from their attempt to arrest him, were among the best of our young men. As members of the police force of this city they have performed their duties faithfully. Generous and brave to a fault, the death of one and the danger to the other creates a spirit of sadness that cannot soon be eradicated.

The body of Mr. Coe was brought into the city, and on Friday after a funeral sermon by Mr. Irwin was escorted by a large procession, headed by the members of the Grand Army of the Republic, to the cemetery where it was interred.

Sequel.

On Thursday night a crowd of about fifty men, still laboring under the excitement growing out of the tragedy of Wednesday, entered the jail and having possessed themselves of the keys took Jackson Mackey and Harry Vann - on the brother who harbored the murderer and the other charged with furnishing provisions and aiding in his concealment, to the ravine near the poorhouse and hung them to a tree where their lifeless bodies were found next morning. So quietly was this done that few in the city except those who participated know of it until the next morning."

Benjamin Files, being first duly sworn, testified as follows:

MR. HASTINGS: What's your name? A Benjamin Files.

Q What is your postoffice? A Fort Scott.

Q Kansas? A Kansas, yes, sir.

Q Were you living there at the close of the war? A Yes, sir.

Q Were you living there in '86, December? A I have lived there ever since '82.

Q Did you know Dyer Hayford? A Yes, sir.

Q Had you known him before December '86. A Yes sir, I had known him in the neighborhood of two years before that and knew him up until that time.

Q Was he killed? A He was killed at Fort Scott.

Q Was he killed in the town? A He was killed just at the brink of the hill along in the mouth; yes, sir he was killed in the city just about the brink of the hill.

Q About what time of the day was he killed? A He was killed just after dark, just dark.

Q Do you know who killed him, who was said to have killed him, who was accused of killing him? A Yes, sir.

Q Who? A Ed Mackey.

Q Was he a colored man? A Yes sir, he was.

Q Did you assist in his arrest? Yes, sir.

Q Who arrested him? Myself and a man we called Deacon Jones.

- Q That this other man here with you? A Yes, sir.
- Q About how long after this reported killing? A I heard the shots fired, then run down there and run over him; I lit a match and this man drew his breath twice, from the time the shots fired I wouldn't it was more than twenty minutes.
- Q Twenty minutes? A Yes, sir.
- Q Had it become generally known at the time of the arrest? A No, sir.
- Q There was no time for the public to know? A Only a few people knew; I heard the shots fired myself and run down there.
- Q And a few people knew that the killing had taken place before he was arrested? A Yes, sir.
- Q And the excitement then, was that after that? A Yes, sir, they didn't have time to know it.
- Q Was he put in jail? A Yes, sir.
- Q You remember how long he remained in jail? A Till about the twentieth, sometime in February, 26th I think it was.
- Q Of February following, of '07? A Yes, sir.
- Q Well did he make his escape? A He got away.
- Q He got away? A Yes, sir, he got past the turnkey, Ed Coe.
- Q Ed Coe was the turnkey was he? A Yes, sir.
- Q I will ask you then if there was any searching parties out for this man? Yes, sir.
- Q For how long? I think he was killed on the 20th of March.
- Q From then about the 26th of February until the 20th of March people looked for him, a reward offered for him? Yes, sir, some three hundred dollars I believe.
- Q Well were there quite a number of people out searching for him? A Yes, sir.
- Q Considerable excitement at that time? A Yes, sir.
- Q Did people go out in the country looking for him? A Yes, sir, and searched houses and searched lands, they looked around for him, but failed to find him.
- Q Up until that time? Yes, sir.
- Q You say that was for about three weeks? A Yes, sir, something over three weeks.
- Q From the 26th of February up until about the 20th of March? A Yes, sir.
- Q Do you know whether this Eli Mackey was reputed to be a Cherokee warkey or not? A Yes, sir, he was.
- Q I believe there was a newspaper account to the effect that when he was captured he was hung up there? A He was killed, yes, sir.
- Q What I want to get particularly from you was whether there was any search made for him at the time he was killed or whether search was made for him after his escape, after the 26th of February? A There was no search made for Mackey until he broke jail.
- Q No houses searched, nor no wagons, nor no nothing when he was first captured? A He was in jail, I don't think it was much over a half an hour, I don't think it was any; he was in jail in not much over half an hour after he shot Hayford; I heard the shot that killed Hayford.
- Q And you helped to arrest him? Yes, sir, I got to Hayford before he died, but he was too far gone; I lit a match and he was too far gone to speak.
- Q You had known Hayford prior to that time? A Yes, sir, he and me was friends.
- Q You was a friend of his? A Yes, sir.

H. C. Jones, being first duly sworn, testified as follows:

MR. HASTINGS: What is your name? A H. C. Jones.

Q What is your postoffice? A Fort Scott.

Q Kansas? A Kansas, yes, sir.

Q What is your age, please sir? A 66.

Q Were you holding any office in the town of Fort Scott, Kansas, in December of '66? A I was.

Q Well were you holding any office at the time a man by the name of Hayford was killed by Eli Mackey? A I was.

Q What office was that? A City marshal, called town constable.

Q You was a city policeman? A Yes, sir.

Q Did you assist in his first arrest? A I did.

Q Who assisted you in the arrest? A Mr. Benjamin Files.

Q This man that's present here? A Yes, sir.

Q Did you hear the shots that killed Hayford? A I did.

Q How soon after Hayford was killed was Mackey arrested, Eli Mackey?

A 20 or 25 minutes, inside of a half hour at most.

Q Very short time? A Yes, sir.

Q Had any houses or wagons or anything of that kind been searched in the mean time? A No, sir, there was no knowledge.

Q People didn't generally know it up to that time? A No, sir.

Q Put in jail then? A He was taken right to the jail as soon as he was arrested, he was hurried off to jail for fear of any mob violence.

Q Well how long did he remain in jail, do you remember? A Why I think something like six weeks or more.

Q Well the Fort Scott Monitor puts it about February 26th? A I presume that was right, it was correct. It was hard for me to remember exactly.

Q Well he remained in jail up to that time? A Up till that time, he was not out of jail except while he was under guard.

Q He made his escape then? A He made his escape, yes, sir, at the time.

Q You know how long he was at large? A Well I put it something like three weeks.

Q I will ask you if there was any searches at that time made for him? A You mean after?

Q When he got away after February 26th? A Oh yes, sir, there was considerable hunt for him at that time.

Q Reward offered for him? A Yes, sir, reward offered.

Q People searched around in the country for him? A There was quite a number of both officials and independent searches, they would search for him for the first couple of weeks of his escape from there.

Q He was afterwards captured was he? A Yes, sir, he was located afterwards, he hadn't been out of a radius of probably ten miles from there after he got away, he was captured.

Q Do you know whether this Eli Mackey was reputed to be a Cherokee colored man? A He was called a Cherokee refugee, yes, sir, had the reputation, that is his name, of being a Cherokee nigger.

COMMISSIONER: You are positive about these dates? A To the best of my knowledge now, I would have put it, that is, a week before the holidays, and I knew it was only a few days before Christmas when the killing was done.

Q '67? A In '66 the killing was done.

Q Few days before Christmas of '66? A Yes, sir.

MR. HASTINGS: The Cherokee Nation asks that all the testimony introduced in the case of Aaron Webber, D-226, with reference to the return of the Webber detachment, be introduced and made a part of the record in this case.

MR. BROWN: Comes now the agent for the applicant and moves the Commission to strike from the records of this case all the testimony taken on this day, for the reason that it is incompetent, irrelevant, immaterial and not the best evidence, it being merely hearsay.

COMMISSION: The request of the representative of the Cherokee Nation will be complied with, and the testimony filed.

This testimony will be filed with and made a part of the record in the following Cherokee Freedmen cases: No. D-394, D-395, D-398, D-401, D-402, D-404, D-407, D-725, and in D-391, the same being the case at bar.

Arthur G. Croninger, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the testimony and proceedings in the above case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) Arthur G. Croninger.

Subscribed and sworn to before me this 14th day of May, 1902.

(Seal)

(Signed) Philip G. Renter,

Notary Public.

I, Arthur G. Evans, a stenographer to the Commission to the Five Civilized Tribes, on oath, state that the above and foregoing is a true and perfect copy of the original now on file with the Commission, as the same was made by me.

Arthur G. Evans

Subscribed and sworn to before me this 23rd day of July, 1902,

Philip G. Renter
Notary Public.

Department of the Interior,
Commission to the Five Civilized Tribes,
Washoe, D. C., June 30, 1902.

In the matter of the application of Edward Wright for the enrollment of himself as a Cherokee Freedman.

APPEARANCES:

Ben J. Scoville, representing E. B. Lawson, for applicant,
W. W. Hastings, for Cherokee Nation.

COMMISSION: The Cherokee Nation, by its representative, makes satisfactory proof of service on the applicant's attorney that it would, on the 30th day of May, 1902 introduce testimony tending to disprove the right of the said Edward Wright to enrollment as a Cherokee Freedman. The applicant this day appears by his attorney, E. B. Lawson, who is represented by Ben J. Scoville, Nowata, Indian Territory.

MR. HASTINGS: The Cherokee Nation offers in evidence a decision of the Cherokee Commission on citizenship as found on page 55 of a book taken from the records of the Executive Department of the Cherokee Nation entitled, "Book of the Cherokee Commission on citizenship," as follows:

"No. 85. Edward Wright
vs
Cherokee Nation.

[Ex. 7th of June.
Answer filed.

Judgment against claimant June 27, 1878."

The Cherokee Nation also offers in evidence from the same record as above page 57 of the same, the following:

"No. 89. Major Wright
vs
Cherokee Nation.

[Ex. June 7th. Statement filed
on the 26 of June.
1st July set, 1st Aug.
set for trial.

Judgment against claimant June 27th, 1878."

The Cherokee Nation offers in evidence the application made for citizenship in the Cherokee Nation by Lewis Whitmire on the 26th day of June, 1878, as found on pages 164 and 5 of book B, entitled, "Citizenship record 1874," as follows:

"Before the Commission sitting at Tahlequah to try claims to Cherokee citizenship.

The undersigned claimant in the case of
Lewis Whitmire

vs
Cherokee Nation

respectfully presents the following statement of his claim according to the requirement of his commission.

Claimant claims under classification five of claimants in the law creating this Commission, that is, as a colored person formerly a slave owned by a citizen and resident of the Nation at the

beginning of the late war, freed by law and made a citizen of this Nation by provision of the treaty of 1866. For

claimant was at the time and place above said owned by George Whitmire, a Cherokee citizen, lost the country during the war and returned in the summer of 1866 to select and prepare a home for his family (they then being without one) and again the following year prosecuting the work in his circumstances and the condition of the country at that time prevented him leaving his family in the intervals of time when they would subsist without discomfort and exposure and until a removal of that was practicable which removal of claimants finally was accomplished to the point of the Nation settled by claimants for theirs and his home in the spring of 1867.

Claimants rights have been called in question by competent authority, and he therefore presents them to the important examination of this Commission as are authorized so to do by law.

This June 26, 1872.

Lewis Whitmire,

By W. P. Boudinot, Atty."

The Cherokee Nation offers the following from the same book and continuing on the same page, the application of Moses Whitmire as follows:

"Before the Honorable Commission sitting at Tahlequah to try rights to Cherokee Citizenship.

In case of Moses Whitmire

vs

Cherokee Nation,

claiming Cherokee citizenship.

Claimant claims under the fifth specification of the classes of claimants to citizenship as found in the law creating this Commission, to wit as a colored person formerly a slave owned by one George Whitmire, Cherokee citizen, resident of this Nation, at the beginning of the late war, and freed by law and made a citizen by provision of the treaty of 1866. Claimant respectfully refers to the statement by claimant Lewis Whitmire as embracing the facts which the present claimant would submit to the Commission as the grounds of his claim.

Respectfully submitted,

Moses Whitmire,

June 26, 1872.

By W. P. Boudinot, Atty."

The Cherokee Nation offers in evidence from a book taken from the Executive Department of the Cherokee Nation entitled, "Register of evidence before Court of Commission Chambers Court, Book A," page 232, case No. 60, as follows:

"Case 60.

Aaron Whitmire

vs

Cherokee Nation.

Tahlequah,

July 3, 1872.

Mike Fields a witness for claimant called and sworn.
I am, I think I am about 40 years old. I live in Illinois
Miss. lot, C. H. Am a citizen of the Nation. I have been on the
doubtful roll but had my rights proven up before the Supreme Court.

Am a citizen under the treaty of 1866. I went north to the state of Kansas in '62. I returned in August - 21st or 22nd, 1866. I left my family in Fort Scott when I came. I came down to get an claim. I staid about three weeks that time, and then returned to Fort Scott. After I returned to Fort Scott there were others who started down, the Whitmires were of that number. The claimant was one of them. They came down in Decr. 1866. They returned to Fort Scott before I left there. I left Kansas about the 2nd week in January, 1867 and got to the crossing of the Neosho river about the last of January. Then I first came down there was about 15 in the party. They left their families in Kansas when they came down here. There was some of party come with the Whitmires who piloted the Whitmire party and my party were Sam Webber, Mike Daniels, Sam Webber, Jr., Aaron Webber, Reubin Sanders, Tuck Sanders.

The Whitmire proper were Aaron, Lewis, Moso, Dennis and Nelson Whitmire and others that I do not recollect. The object of this party coming was for the purpose of erecting houses. When I moved with my family I stopped on Fryers Creek at Mrs. Alberty's and remained about two weeks. The reason we left that part of the country was because that part of the country was too sparsely settled and bare of subsistence. As I was coming down the first time we were overtaken by the Cherokee Delegation. They were men who come here were authorized by others to locate claims for them, one was by Mekey requesting Abe Fields to locate for him. The original request filed.

Cross Examined.

I can not remember the date I arrived here the first time from Kansas. The claim we made I got three sets of house logs, hauled them and piled them up, and some of the men put up houses, I did not put up a house. I started back to Kansas about the middle of September. When I first left the country it was in February, 1862. I was a slave before the war and was owned by Sam Taylor when the war broke out. He was living on Grapeleaf near Bushy Mountain on this side of Arka. River. When the Whitmires returned to Fort Scott I do not know when they left there to come to this country as I left then there when I left. It was reported when they returned to the Nation that the Whitmire party had built houses. But I do not know this myself as I was not along. I only heard they had. The War closed in 1865 I think. I did not know it myself but people told me who could read.

I do not know myself that it was the month of Aug. When I come here first, but I was told it was that time.

Re Direct.

It was the December following the time I first came down that the Whitmires come down first to select and improve claims.

Nick x Fields.

his mk.

Aaron Whitmire)

vs)

Cherokee Nation.)

called and sworn.)

August 1, 1878.

Bluford Alberty, witness for claimant,

I reside in Cooweescoowee District, C. N. I am a native Cherokee citizen. I left the Nation during the war. I returned to the Nation on the west side of Grand River, Cooweescoowee District,

on the 3rd of September, 1866. I had occasion some time in the last of Oct., or the first of Nov., or probably it might have been as late as the middle of November, to go to the Viridie. While out there I fell in with a party of seven or eight persons who were camped with others near Sate Cronches. I did not go to the camp. They were colored people. I knew most of them. Their names were old Sam Webber, Aaron Whitmire, and a younger brother and Lewis Whitmire.

There was another person whom I was told was a planter. I do not recollect any of the others and can not identify them. The Whitmires were Johnson and George Whitmire; Aaron, Lewis and his mother belonged to George. In conversation with Sam Webber he asked me if I knew anything about the treaty and if Jim McDaniel had got home. I told him I had not seen the treaty but had heard rumors about it. He told me they had come to look themselves horses or make claims and that he was the leader of the company and the reason why Major Wright did not come was that he was an old man, but that he had sent his son down to work for him and make him a claim. He then asked what chance there was to get provisions over on the river; I told him there was none there, but that there was a lot of condensed flour at Gibson and if they would go there they would get some. He also represented that they had come down to make claims for others, who had remained in Kansas, to build them homes and so forth. They also stated that they were notified to come, and that they had accordingly come to make claims for themselves and the others that they left behind in Kansas. As near as I can recollect it was some time in October or November that I saw these parties. I was not very cold weather at the time. I recollect as I came out at night. Did not see any of these parties after this 1st of May, 1867. There was no provisions to be had in this country at that time. Provisions were very scarce. It was my understanding that they had come to prepare horses for themselves and families. They told me so at least. Major Wright belonged to Cornelius Wright before the war.

Cross Examined.

I heard after this some of them went back to Kansas. At the time I met them I do not know whether their families were with them. I think I saw Dennis Whitmire with this party, but am not certain of seeing Dennis or Nelson. I know there was four of the Whitmire boys. They were owned in the Nation and resided here up to the breaking out of the war.

H. W. Alberty.

Aaron Whitmire

vs

Cherokee Nation.

I know Melissa Rotliff. She was twelve or thirteen years old at the close of the war.

She was living with me then and still lives in my family. Jack Landrum was one of the band above referred to, also Ransom Daniels. I learned from our leaders Uncle Mike and Sam Webber that the Cherokee delegates advised us to settle in a compact body on unoccupied lands. We crossed the Necco in coming down at McLane's Ferry in 1866. The chief ferryman who crossed us was Bill Martin.

While on Lightning Creek in 1866 I saw Mr. Alberty but had no conversation with him, but Sam Webber had in my presence.

Cross Examined.

I am a claimant before this court for citizenship. I am a half-brother of Aaron Whitmire, Louis, Dennis and Nelson are also my brothers. Mariah Whitmire is my sister. Major Wright is my stepfather. The names of the party that came with me to the Nation are as follows: Mike Sanders, Sam Webber, Peter Heige, Bill Foreman, Tuck Sanders, Ransom Daniels, Sam Webber, Jr., Louis Whitmire, Nelson Whitmire, Dennis Whitmire, Aaron Whitmire, is all I can recollect now. Witness and my brother were authorized to make claims for others still back in Kansas. Dennis made a claim for Major Wright. I can't name any others. Witness was a son of family in 1868 when we came on from Kansas. My family was at Fort Scott. Melissa Ratliff, Ed Wright, and my wife and myself composed my family. Louis had no family. Aaron and Nelson did. Major, Sam, Nelson and Allen were Aaron's children and his wife, Sarah. They were left, the wife and children in Fort Scott when we came in 1866. Eliza Sanders, Thos. Sanders were Nelson's family and back at Fort Scott. We went back 1st January 1868 to Kansas after coming to the Nation. When witness returned in 1867 to the Nation Larry, Louis, Nelson, Dennis, Ransom Daniels, Tuck Sanders, Peter Heige and the families of those who had families all came as I did besides others not particularly remembered. This was the first time any of our families and upon to the Nation, at least mine, Aaron's and Nelson's.

The first time Mariah Whitmire was in the Nation after the war closed was after our parties returned in thirties in 1867.

The first time Major Wright returned was on our first trip in 1867. Melissa Ratliff was owned by one Alec Ratliff at breaking out of war. She first came in March 1867. Jack Langston was along in 1866. He was a slave at the beginning of the war. I was present during the examination of Mr. Alberty as a witness in this case.

Re Direct.

Mariah's family at the close of the war was a separate family. Harry Whitmire, her son, represented his father on the first trip in 1866. Witness is about 53 yrs. old. Major Wright was an old man at the close of the war. Louis Whitmire had been back to the Nation before 1866.

Attest

D. L. Nicholson,
Clerk.

Moses Whitmire.
mark.

Case 63.

Aaron Whitmire & family)	
vs)	
Cherokee Nation.)	Claiming citizenship.

Now comes claimant by Atty before the Commission sitting at Tahlequah to try certain claims for citizenship in the Cherokee Nation and makes this his statement of his grounds for said claim to wit-

Claimant is a colored person and claims as aforesaid under privilege of the fifth specification of the classes of claims preferred by law to the Commission to examine and decide rights by competent authority having been denied citizens.

Claimant belonged to Geo. Whitmire a Cherokee citizen at the commencement of the war of the rebellion and was then living in this

Nation. After the beginning of said war claimant moved to or the vicinity of Fort Scott with his family at which location he resided until the summer of 1866 when he returned to this Nation and proceeded to select and improve a home on the Verdigris River for himself and family's permanent residence. While he was thus making preparations for the removal of his family by providing for their habitation and subsistence at the place mentioned they his family remained where they had been sojourning during the war.

Claimant was compelled by unfavorable circumstances and the attention he was obliged to bestow upon his family to remit his work upon his improvement on Verdigris River from the early fall of 1866 to the early winter of the same year, when he resumed labor upon his improvement, after which he removed his family as soon as practicable to wit in the spring of the year of 1867.

Claimant claims to have returned to this Nation in his own person and as representative of his family within the time provided for by treaty; in that having no residence to come to or other former citizens he did everything possible to constitute a return consistent with the duty he owed to his family by laboring as far as his means allowed to provide a home in this Nation.

Respectfully submitted,

Aaron Whitmire,

By Atty Wm. F. Soudinet.

Aaron Whitmire

vs

Cherokee Nation.

August 1st, 1878.

Mr. Martin, witness for claimant, called and sworn.

I live on Big Creek, Coowessawee, O. N. Am a citizen of the Nation. From August up to Christmas 1866 I was at the ferry on the Neosho River on the old Military road leading from Fort Scott, Kansas to Fort Gibson, O. N. Am acquainted with claimant and his brother, Lewis, never knew Aaron until I met him at the river. Lewis I knew prior to that time. While I was in charge of the ferry I recollect having met claimant and Mose, Lewis, Dennis and Nelson, Whitmire, Peter Keigs, Mike Sanders, Sam Webber, and Young Sam, Bill Foreman and others but I do not recollect anything about them. They were traveling. They stated they were coming from Fort Scott, Kansas, they were traveling from the direction of Fort Scott. I crossed them from the Shawnee side of the River into the Cherokee Nation, they inquired the road to Big Creek. McLean gave them the directions to the head of Big Creek. They stated the reason why they were coming was that the Cherokee Delegation had invited them to come back under the treaty. They mentioned Jim McDonald as the principal one who had invited them and they were then on their way to select themselves homes.

It was after the Delegation returned that I met claimant and the others spoken of it was pretty cold weather when I crossed them. It was as near as I can recollect about the last of October, 1866. I am positive it was before Christmas at I left them at Christmas or probably a few days before Christmas.

Cross Examined.

I was not acquainted with the claimant nor any of the others named previous to the war.

I do not know who owned before the war. I do not know whether they had lived in the Nation previous to the war. I do not recollect of seeing any of the families of the parties named at the time,

I crossed them over the river. I set some of this same party back over the river a short time after they had come in, Lewis, Wilson and Dennis Whitmire and little Sam Webber and I think they were more who crossed back but I can not place them now. I learned the names of the parties from conversation with them, but did not become particularly acquainted with their names at that time. I think there was one woman with the party, I think she was little Sam Webber though I would not be right positive that there was a woman along or not. I was positive there was no children as I never hear any. They had camped there long enough that were they any women and children I would have known it. The next time I saw claimant was in the fall of 1887 or Big Creek. I learned from them that they had got there in March 1887. I know this from having heard it generally talked amongst themselves.

Re Direct.

At the present time the distance between our two settlements is about 5 miles. I recognize the claimant and the other parties spoken of. I have been there frequently since that time. I got them over the river. When I saw them in the fall of 1887 they had their families with them then. The means of subsistence at the time I crossed in the country at that time was short.

William Martin.

Aaron Whitmire
vs
Cherokee Nation.

JULY 4th 1872.

Wm. McGracken for Claimant.

Witness met claimant near Fort Gibson in Nov. or Decr. 1866. Met him at the ferryboat on Grand River.

Witness had a conversation with claimant at the ferry in which claimant said he was on his way to going Snake his former home in the Nation and seven of claimant's brothers were being on the road.

Witness is a citizen of this Nation and knew claimant before the war.

Attest;

Wm. McGracken.

D. L. Nicholson, Clerk.

Aaron Whitmire
vs
Cherokee Nation.

Bluford Alberty.

George Whitmire before the war lived in Going Snake Dist. This Dist. borders on the line of the state of Arks.

Claimant now resides near the western line of the Cherokee Nation. The settlement before the war was sparse where claimant now resides. I would say the distance from where George Whitmire resided prior to the war, and claimant's present residence is 90 or 100 miles. Witness states that he had a conversation with Sam Webber in which Webber assigned as a reason for settling where he had was that Agent Jones advised the colored people after their freedom to settle in colonies or as thickly as it was convenient to do in an unoccupied part of the country.

This was thought best for the colored man as they could have their own schools &c until matters were more regulated in the country. The first conversation was in the fall of 1866. The second conversation was in the spring of 1867. I saw several of their families in May, 1867 on Big Creek or Lightning Creek in the Nation.

The name of defendant is in the same locality as that at the time mentioned above. In Oct. or Nov. 1866 I gave claimant and other colored men permission to occupy the old fields in that neighborhood for the purpose of raising crops the year following. Louis Whitmire is the name of the other man. I also permitted to go on the old field. The spring of 1867 I saw Aaron and Louis Whitmire at work on the two fields spoken of. This settlement of colored folks has the character of quiet industrious and law abiding citizens as much as any in the Nation. Some of these people have large and good farms all made by themselves since the war.

Witness with a party of six gentlemen in the fall of 1866 saw this colored party who settled on Big Creek afterwards in the neighborhood for the purpose as they said at the time of selecting their names. Several claims was then in sight of which which the colored party said they had selected and are now the homes of the party above indicated.

Agent Jones was at the time advising said colored party. A delegation for the Cherokee Nation at Washington. There were wanted as witness learned from one of them who wished to travel or drive off from their claims this colored party at the time they were prospecting the country. This was advised against by witness and it was not done or carried out. Witness party spoken of above was composed of Cherokee citizens except one colored man. I am the sole survivor of this party except the colored man and possibly one other. Occupation of witness is herding wild cattle. I travelled a good deal in this neighborhood at that time and know of it.

Continued on page 383.

Aaron Whitmire et al

July 16th 1870.

vs

Cherokee Nation,

John Riley,

sworn as witness for Defn. I live in

Conwaysbrook Dist. I first moved there in 1862 and have continued to reside there except in time of war. I came back in the month of August 1866 to the Nation. I knew Aaron Whitmire. He returned or came to the Kinsfolk River to live in the month of March 1867. Also saw at the same time Sam Hager, Mike Sanders, Sam Walker, Billy Foreman, with their families and others whom I don't recollect. Clabert made a crop that spring in 1867 on an old place of Aaron Lundin. He had settled at other place before that.

Gross Examined.

I don't know of any colored heads of families coming in to the Nation in the month of Decr. 1866 to locate homes but I know of some who came in Sept. '66 for that purpose. I know where Aaron Whitmire lived at this time. I was near Coody's bluff in Decr. '66. I lived on the west side of the river. Clabert lives and settled on the east side of the river. If any heads of families came in Decr. 1866 I never heard of them. I never knew of Clifford Liberty being in the part of the country in 1866 in the party that came down in Sept. 1866. Aaron Whitmire was not along but Mike Sanders, Sam Tabor, Gilbert & perhaps Billy Foreman. Moses was not along. Dennis was not along as I know of war Mariah was Major Wright nor Nelson Whitmire that I know of. If any such party had come down in Decr. 1866 I think certainly I would have known it.

Joseph Riley.

Randolph Riley.

(page 385)

About the middle of May 1867 I first saw this party with their families at their new homes. Claimant and others of this colored party told witness that they returned in March 1867 to the Nation.

Re Direct

I learned from John Coker that most of this colored party returned to Kansas after their partition and a few remained. I was at General Convention of the colored people in 1866. It was witness' understanding that the purpose of said convention was to ratify the treaty of 1866. I think the object of the convention was to ratify amendments to the constitution and to the treaty and to ratify the treaty. The treaty was concluded the 9th of Aug. 1866 in my information. It might have been July 10, 1866.

Witness went South during the year. J. B. Jones was not at the time herein mentioned U. S. Agent but was Delegate and was Agent afterwards.

B. P. Liberty.

Attest

D. L. Nicholson,
Clerk.

Aaron Whitire)

VS)

Cherokee Nation.)

Taken at May 16, 1878.

This day comes John P. Lyons Atty for Cherokee Nation and denies all and singular the allegations of claimant contained in the above named case.

John P. Lyons,
Atty for C. N."

Arthur G. Croninger, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the proceedings in the above case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) Arthur G. Croninger.

Subscribed and sworn to before me this 2nd day of June, 1868.

(SEAL)

(Signed) P. C. Reuter.

Notary Public.

I, Arthur G. Evans, a stenographer to the Commission to the Five Civilized Tribes, on oath, state that the above and foregoing is a true and complete copy of the original now on file with the Commission, as the same was copied by me.

Subscribed and sworn to before me this 15th day of Aug., 1868.

Arthur G. Evans
Notary Public.

DEPT. OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION

RECEIVED BY BUREAU OF INVESTIGATION ON JULY 1, 1934

RECEIVED BY BUREAU OF INVESTIGATION ON JULY 1, 1934

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To be filed with U. S. D. etc, Sent J. Ross.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, T. T., May 28, 1902.

In the matter of the application of Charles C. Smith et al for
enrollment as Cherokee Indians.

EVIDENCE IN BEHALF OF APPLICANTS.

SUPPLEMENTAL TO D-514.

APPEARANCES:

LEWIS T. BROWN, representing Melville & Smith, for applicants.
P. F. HASTINGS, for Cherokee Nation.

SAM WEBBER, being first duly sworn, deposes as follows:

- MR. BROWN: State your name? A Sam Webber.
Q What's your age? A About 50 or 52 years.
Q Your postoffice address? A Nowata.
Q Are you a recognized citizen of the Cherokee Nation? A Yes, sir.
Q Do you know Charles C. Smith, the applicants? A Yes, sir.
Q Do you know his wife? A Yes, sir.
Q Do you know her mother? A Yes, sir.
Q What was her mother's name? A Her name was, we called her Aunt
Tilda Dannenberg.
Q Do you know what her name was before she went by the name of
Dannenberg? A That's the name I knowed her by.
Q Do you know what her second name was? A She went by the name of
Tilda Lacey before she died.
Q Do you know when she returned to the Cherokee Nation after the
close of the war? A I don't know just what month she returned; I
know when I seen her.
Q Please state when it was? A Why I saw her along just about
Christmas in '86.
Q Now Mr. Webber go ahead and state the circumstances of your
seeing this woman at that time, and what, if anything, you done?
A Why I went down to Lightning Creek, and I live about-did live
about ten or fifteen miles from Lightning, and I went down there to
see this Harry Still, and I heard she was there when I was there,
she had got a little child, this child that Harry Still bought from
her afterwards, and she was there, her and her children.
Q Who else was there? A Why, see Harry Still and Mariah Payden,
and we used to call Aunt Mariah's daughter Puss then was all the
name I knowed her by.
Q What's her name now? A I declare I never could give any name
only Puss.
Q What's her husband's name? A Buckner.
Q George Buckner? A Yes, sir.
Q Anybody else there? A Why this Andy Rider was there, and this
Smith's wife.
Q Charley Smith's wife? A Yes, sir, and her sister, and a little

boy we called Jim.

Q Do you know John Rose? A Yes, sir.

Q Do you know his sister? A Yes, sir.

Q Was she there? A Yes, sir, she was a girl then.

MR. HASTINGS: If Mariah Hayden testified before the Chambers Court in her application or set forth in her application before the Chambers Court that she never came here till '67 when she made application in '78, she was mistaken then was she?

MR. BROWN: Wait a minute; it is objected to for the reason that it is assuming a fact not proven.

COMMISSIONER: Objection will be noted; answer the question, Mr. Webster.

Witness: She must have been mistaken if she testified that.

MR. HASTINGS: When were you married? A I was married along after Christmas.

Q What year? A '67.

Q How long after Christmas? A Why it wasn't long after, not very long after.

Q That woman came down with you in the fall of '68? In the fall of '66?

Q Yes, sir. Was there any women? A Yes, sir, let me see now, if I could tell you; there was a girl they called Ollie Fox.

Q Anybody else? A And Dick Thurman's daughter, they called her Hannah.

Q Who else? A And then there was the Sanders woman, and the Helgesen woman.

Q Well was Rube Sanders down here before? A Yes, sir, he was too, I know he was.

Q Well then you came as he come did you? A Yes, sir, and he come as I come.

Q All come along together? A All come along together.

Q And that was in the fall of '66? A Yes, sir, we come in the summer, and went back, and then come again, and come again in the fall.

Q You went back and come back in March of '67? A I went up there and married.

Q Well I will ask you if it is not a fact that not a single woman nor a single child come here and located north of the Fried Road and east of the M. K. & T. in the winter of '65; did you have a house up there? A Yes, sir.

Q Were you living in your house? A I built a house in the summer when I come down here.

Q Was Aaron Wright living up there? A No, he wasn't living there; he come, well he come down and lived there after we moved there.

Q Well but was he living there on Lightning Creek near Mariah White when you went over there and when you saw this woman? A Oh, when I saw that woman he was living there.

Q He was living there was he? A He lived there in the spring; he lived on the place where Jim Martin lives now, just right in the neighborhood, and made a crop on the old farm there without any fence.

Q What spring was that? A In the fall of '67 he moved down to Lightning Creek.

Q But when did he move to the Cherokee Nation with his family? A Aaron Wright?

Q Yes, sir. A Why he come in the winter.

Q Well of what year? A Along in '67 when Aaron Wright come.

Q Well what time in '67? A In the winter.
 Q Well was it in the early winter or was it in December, was it
 January of '67 or was in December of '67? A I went back up there
 and married him then he come down here just after that and been there
 ever since.
 Q Well when did Lewis Whitmire come? A Come with us.
 Q Come along as you came did he? A Yes, sir.
 Q Then you come as Lewis come? A Yes, sir.
 Q Did you come as Lewis Whitmire come? A Yes, sir, he was one of
 our crowd.
 Q And Reuben Sanders come at the same time? A Yes, sir, he was
 one of our crowd.
 Q Whenever they come you come? A Yes, sir.
 Q I mean when they moved their families, is that the time your
 families came, that is your father's family? A Yes, sir, that's
 what I am talking about.
 Q And it was after this time that you saw this woman that you spoke
 of, this Danenberg or Matilda Danenberg, it was after that, was it?
 A That was before that, before I married, you know.
 Q It was before you married? A Yes, sir.
 Q That you saw her? A Yes, sir.
 Q But it was after you had come down here? A Of course.
 Q Well it was after these women had come down here? A Yes, sir.
 Q And it was after Lewis Whitmire had come down with his family? A
 Yes, sir, Lewis had no family then.
 Q Well it was after these had come with his family? A Yes, sir.
 Q It was after your folks had come? A Father had no family only
 two boys.
 Q Well it was after you had all got? A Yes, sir.
 Q Mariah Hayden was down here at that time? A Yes, sir, she was
 down there.
 Q They were all down there, were they? A Yes, sir.
 Q Do you belong to the Freedmen's Protective Association? A Yes,
 sir.
 Q Are you one of the committee that's been around here for two or
 three months representing the Freedmen? A I stay here all the
 time.
 Q I will ask you if you ain't a member of the committee down here
 representing them and looking after their interests? A I am here
 looking after all that I witness for.

MR. BREWER: Whole sam, you are on the roll of labor? A Yes,
 sir.

Q Lewis Whitmire, Ross Whitmire, Aaron Whitmire, Reuben Sanders,
 are on the roll of labor? A Yes, sir.

MR. HASTINGS: The Cherokee Nation asks that the testimony
 introduced by the Cherokee Nation in the case of Ed Wright, the
 same being Freedmen Doubtful Pleas as to the time of the removal of
 the Whitmires, also the testimony of Aaron Webber, together with the
 testimony introduced by the Cherokee Nation in the case of Aaron
 Fobber, being P. B. 226, be introduced and made a part of the
 record in this case. The Cherokee Nation also asks that the testimony
 of Reuben Sanders, as well as all of the testimony introduced by
 the Cherokee Nation in the case of Elizabeth Maize, the same being

Freedman D-511, be introduced and made a part of the record in this case.

Commission: The above testimony and proceedings will be filed in the following Freedman cases: D-514, the same being the case at bar, that of Charles C. Smith; D-474, John J. Rose, D-611, Billy Nolan, D-615, Pearl Smith, D-516, William Smith, D-582, Elmore Smith, D-513, Cora Morris; also in Cherokee Freedman cases D-617, D-518, D-520, D-521 and D-504.

Arthur C. Grodin, Jr., being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the testimony and proceedings in the above case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

(Signed) Arthur C. Grodin, Jr.

Subscribed and sworn to before me this 25th day of July, 1902.

(Seal)

(Signed) P. C. Reuter,

Notary Public.

I, Arthur G. Evans, a stenographer to the Commission to the Five Civilized Tribes, on oath, state that the above and foregoing is a true and perfect copy of the original now on file with the Commission, as the same was made by me.

Arthur G. Evans

Subscribed and sworn to before me this 26th day of July, 1902.

Prace E. Jones
Notary Public.

Supl. C. D. #818. Freedmen.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 4, 1902.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of
EDWARD WRIGHT as a Cherokee Freedmen, introduced on part of the
Cherokee Nation.

The Cherokee Nation by its representative makes satisfactory proof of service on E. B. Lawson, the attorney for the applicant in this case, that testimony would be introduced by the

representatives of the Cherokee Nation tending to disprove the right of said applicant, Edward Wright to citizenship in the Cherokee Nation at the office of the Commission in Muskogee, Indian Territory, on the 3rd day of March, 1902, and from day to day thereafter until the same could be heard by the Commission during the usual business hours.

Cherokee Nation present by its representative, W. H. Bell.

C. E. Rogers, being duly sworn, testified as follows on part of the Cherokee Nation.

MR. BELL:

- Q Tell him your name? A C. E. Rogers.
- Q Age? A 63 years old.
- Q Place of residence? A Claremore.
- Q Are you a citizen of the Cherokee Nation? A Yes, sir.
- Q How long have you been such? A All my life, a little over 63 years.
- Q Did you go out of the country during the war? A Yes, sir.
- Q When did you return? A '68.
- Q Where did you come to? A Come to Fort Gibson.
- Q And stayed there did you? A Yes, sir.
- Q Tell what was your business? A After I come back.
- Q Yes? A I followed freighting for something over three years.
- Q Where and between what places? A Between and Pleasant Hill and Kansas City to Fort Gibson.
- Q Were you ever acquainted with a Freedman by the name of Moses Whitire? A Yes, I knew him.
- Q Where did he belong before the war? A He belonged in Co. 1, Snake District.
- Q Do you know what particular Whitire he belonged to?
- A I don't remember whether he belonged to George Whitire or Lee Whitire.
- Q If you did see him when did you first see Moses Whitire after the war, after your return to the Cherokee Nation?
- A As well as I can remember it was in February, '69. I met him just on this side of the Neosho River, as they were moving back to this country from Kansas. There was between 24, from 24 to 26 wagons and I met them right on this side of the Neosho River. Dick Whitire, Moses Whitire and Aaron Whitire and old Major Wright is all I knew in the outfit.
- Q Did you have any conversation with them, stop and talk with them?
- A Yes, sir, and Col. Bill Ross passed while I was talking to them going to Fort Scott.
- Q Did you ask them where they was going to? A They said they was moving back.
- Q Well this 25 or more wagons was loaded with people?
- A Yes, mostly every one had household goods in them.
- Q Colony of Cherokee Freedmen? A Yes, sir, coming back to the Cherokee Nation.
- Q Well now that was where you say it was? A It was right on this side of the Neosho River, between the old Hudson place and Neosho River.
- Q How far from the Neosho River? A I suppose half a mile.

Q How far from the north line of the Cherokee Nation?
 A I think the river is the line, about half a mile.
 Q And how far is that from the Kansas line? A The Neosho is the line, way I understand it.
 Q You had reference to where the military road crosses the Neosho river? A Yes, sir.
 Q At Jack McLain's ferry? A They called it Hudson ferry at that time.
 Q Hudson lived there? A Yes, sir, in about a half mile.
 Q And this Moses Whitfire you met and talked with is the same one you knew in Going Snake and belonged to the Whitfire family there?
 A Yes, sir.
 Q About how old a man was he when you met him? A He is an older man I think than I am.
 Q And you saw other with him you knew? A I think Aaron Whitfire and Moses Whitfire and old Major Bright is the old ones I know.
 Q And you talked with him there? A Oh, I guess I talked with him ten or 15, 20 minutes and while I was talking to him Col. Ross passed going to Fort Scott.
 Q Do you know where this man Whitfire lives now, Moses Whitfire you met?
 A No, I don't know where he lives.

MR. HASTINGS, Cherokee Representative:

Q Don't you know he lives on Salt Creek near Hayden? A No, I don't know for certain I heard he lived on Big Creek. I don't know thought where he lives, I have saw him ever since I have been here. I don't think I ever was at his house.

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I hereby certify upon my official oath as stenographer to the Commission to the Five Civilized Tribes that I correctly recorded the testimony and proceedings had in this case on the above date, and that the foregoing is a true and complete transcript of my stenographic notes thereof.

(Signed) J. O. Rosson.

Stenographer.

Cherokee Freedman D-

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T., May 22d 1901.

In the matter of the application of Elizabeth Meigs for enrollment as a Cherokee Freedman; she being sworn by Commissioner C. R. Brackinridge, testified as follows:

- Q What is your name? A Elizabeth Meigs.
Q How old are you? A I don't know my age.
Q About how old are you? A I was four years old when we came here with the old settlers.
Q Was that when the Cherokees first moved to this country from the old nation? A Yes sir.
Q That would make you about 71 years old now wouldn't it? A Yes sir I guess so.
Q What is your post office? A Centralia.
Q In what district do you live? A Cooweescoowee.
Q Do you want to be enrolled as a Cherokee Freedman? A Yes sir, I do.
Q Who do you want to have enrolled besides yourself? A My children.
Q Have you any children under twenty-one years old? A No sir.
Q They will have to apply for themselves then. A (No response).
Q Have you a husband? A No sir he is dead.
Q Then you only apply for yourself? A Yes sir.
Q Have you lived here ever since you came with the Cherokees in 1837? A Yes sir.
Q How long have you been called Meigs? A Ever since I was nothing but a girl.
Q Were you married to a man named Meigs? A Peter Meigs.
Q Is he dead? A Yes sir, five years ago in September.
Q Was he a Cherokee Freedman? A Yes sir.
Q Were you a slave in the Cherokee Nation before the war? A Yes sir.
Q To whom did you belong? A Reuben Daniel.

The 1880 authenticated roll of the Cherokee Nation examined and the applicant's name not found thereon.

- Q Are any of your family on that roll that you know of? A Yes sir, Alice Sanders is on it, she is a daughter of mine, Alice is.

The 1880 authenticated roll of the Cherokee Nation examined and the name of the applicant's daughter identified thereon as follows:

Page 175, No. 2658, Alice Sanders, Cooweescoowee District.

The 1896 census roll of the Cherokee Nation examined and the name of the applicant not found thereon.

- Q Did you draw your Cherokee strip money? A Yes sir.

The Kerns-Clifton roll of the Cherokee Nation examined and the name of the applicant found thereon as follows:

Page 100 No. 2512, Eliza Meigs, Cooweescoowee district.

- Q Did you ever go by the name of Daniel? A Yes sir them was my owners.

The Wallace roll of the Cherokee Nation examined and the name of the applicant found thereon as follows:
Page 182, No., 40, Elizabeth Daniel.

NOTE: Wife of Peter Meigs.

Wallace roll of the Cherokee Nation examined and the name of the applicant found thereon again as follows:
Page 131, No. 2748, Elizabeth Meigs, Cowassee district.

Q Where were you during the Civil war, did they take you out of the Cherokee Nation? A I was at Fort Scott during the war.
Q When did you come back? A In the winter of '66.
Q What time in the winter? A Well it was in the winter.
Q Was it before Christmas, or after Christmas? A My husband was down here in the Christmas.
Q When did he bring you down? A In the winter after he went from here on Big Creek.
Q He came ahead of you then? A Yes sir.
Q What time did he leave Kansas? A I cannot tell you when he first came.
Q Did he leave Kansas before Christmas? A Yes sir he came here in the winter of '66.
Q Did he leave Kansas in the winter? A Yes sir.
Q Was he down here when Christmas came? A Yes sir.
Q Do you know how long it was before Christmas before he started to come here first? A No sir I dont.
Q How long was it after Christmas before he got back to you in Kansas? A Directly after Christmas.
Q How long after Christmas before you and he started down here together? A Directly after.
Q He spent Christmas that year in the Cherokee Nation by himself? A Yes sir my husband did.
Q What members of your family came down with you and your husband? A These children.
Q Did you bring your child Alice Sanders with you? A Yes sir.
Q All the children? A Yes sir.
Q Can you explain why you are not on the roll of 1880? A No sir.
Q Do you know why you are not on that roll? A No sir I dont know nothing about the rolls.

By W. W. Hastings, Cherokee Representative:

Q Auntie, what provisions did your husband make after he had been to the Cherokee Nation, to come down here with his family? Did he sell off what you had in Kansas? A Yes sir what little we had, we never had much to sell.
Q Where were you living in Kansas then? A Fort Scott.
Q About how long did it take him to get ready to come to the Cherokee Nation after he went back up there? A No time after he got back till we all came here.
Q Was it as much as a couple of three weeks? A Yes sir I guess so.
Q And then you started down here? A Yes sir.
Q Was it in the spring of the year when you reached here? A No sir in the winter.
Q The leaves were not budding out then on the trees when you and your husband and children got here? A No sir there warent no buds nor nothing on the trees, it was winter I tells you.
Q You all came in wagons did you? A Yes sir.
Q Who came with your husband down here when he first came? A Ole Man Mike Sanders.
Q Who else? A Reuben Sanders.
Q Who else? A Daniel Sanders.

Q Any one else that you remember? A There was little Sam Webber and old man Sam Webber.

Q Any other Webber's? A Aaron Webber.

Q Did any one else come down? A I don't remember any one else now.

Q Were you there when they started down? A We all came together I am a telling you.

Q But I mean when your husband came on in advance of you. Who came with him then? Did these parties that you have named come with your husband when he first came down? A Yes sir.

Q You were at Fort Scott then? A Yes sir.

Q And they all started together? A Yes sir.

Q These that you have named are all the you can think of at the present time? A Yes sir.

Q Did they come in wagons or on horse-back that time? A They come in wagons when they first come.

Q And after Christmas you all came down did you? A Yes sir.

Q Did you come in wagons then? A Yes sir.

Q Did you come by a little place called Chetopa? A Yes sir.

Q Where did you come to in the Cherokee Nation? A I come right where I am living yet when I come to the Cherokee Nation.

Q And you are living there yet? A Yes sir, that old house was built in '66.

Q That house? A That one we is living in.

Q And you are living at the same old place? A Yes sir, in the same old house.

Q On what creek is that? A Big Creek.

Q Was any one living on Big Creek when you came there besides your own crowd? A No sir, down on Verdigris there was some living.

Q You were the advance family or crowd that came to Big Creek were you? A Yes sir, we was the advance guard.

Q Did you see any one from Chetopa along the road through the Nation to Big Creek when you came there? A No sir.

Q Did those people who first came down with you husband return with him and their come down again when your family all came after Christmas? A Yes sir.

Q You all came back together? A Yes sir.

Q Now Lucile, did any additional people-any other families come down with you? A I don't know who all come down, I am just a telling you what I know.

Q There was Daniel Sanders, and Newton Sanders and there was Mike Sanders, and Sam Weaver, old and little Sam, they all came with you? A Yes sir.

Q Did Aaron Webber come? A Yes sir.

Q And your family? A Yes sir.

Q Are there any that I missed? A That is all that I gave you.

Q Is that all that come? A Aaron Wright come with us.

Q Who else? A No response.

Q Were there any others at all? A I am a telling you all that I can think of now, it has been a long time for an old woman like me to remember all that come.

Q You come to the place that you are living at now did you? A Yes sir and has lived there ever since.

Q Have you any Cherokee neighbors there now that were old residents? A No sir, there was some lived on Verdigris when we come there.

Q What? A Lucile Wiley was there on Verdigris, but not where we was living.

Q How far from where you settled? A I don't know how far.

Q Was it as much as 4 or 5 miles? A As much as ten miles if you passed at it right.

Q Were they the oldest residents to you at that time? A Yes sir.

Q Were there any Delaware Indians there when you came there? A No sir I never saw none.

Q Any Osages? A No sir, never saw none.
 Q You didn't see any body on Big Creek, neither white or black, except those that came with you? A That is all.
 Q And you have been there ever since? A Yes sir, ever since we moved there.
 Q You say your husband Peter Neiga built a house there? A There a log house there and he bought the house and we moved to it.
 Q Who built the house if you know? A Henry Harold.
 Q Was he a colored man? A Yes sir.
 Q Is he living? A I don't know if he is or not.
 Q Some 3 or 4 years after you came down here your husband went to Tahlequah before the court, didn't he, to see about his citizenship? A Yes sir.
 Q They didn't admit him then did they? A I don't know sir.
 Q You know he was disputed? A I don't know nothing about it, I never paid any attention to any such things as them then.

By the Commission:

Q Were you ever admitted by the Cherokee or United States court for Commission? A I don't understand that you say.
 Q Did you ever have your right to be enrolled as a Cherokee citizen before any kind of a court? A Yes sir, my son enrolled me before he died.
 Q Linsen in Court? A That is what I am telling you.
 Q You know what a court is don't you? A Yes sir.
 Q What court do you know? A Kerns Clifton court.
 Q Any other court that you know of? A I know of the Tallico court.
 Q Any other? A No sir.
 Q Did he ever have anything done about his case by the Cherokee Council? A I don't know what was done, my man went there every year or two but I don't know what was done there.
 Q How long did it take you and these people to come from Kansas to the Cherokee Nation? A I don't know how long we were on the road.
 Q Have you any witnesses with you that you want to introduce? A Yes sir.

RUBEN SANDERS, called and sworn by Commissioner C. R. Brinkridge, testified as follows on the part of the applicant.
 (Examined by the Commission):

Q What is your name? A Ruben Sanders.
 Q How old are you? A I suppose I am about 50.
 Q What is your post office? A Centralia.
 Q How long have you lived in the Cherokee Nation? A All my life.
 Q Were you a slave in the Cherokee Nation when the Civil war broke out? A Yes sir.
 Q To whom did you belong to? A James Sanders.
 Q Were you taken to Kansas during the war? A Yes sir.
 Q You have a wife named Alice have you? A Yes sir.
 Q How long have you and she been married? A About 30 years perhaps more.

The 1880 authenticated roll of the Cherokee Nation examined and the name of the applicant's son-in-law identified therein as follows:

Page 175, No. 2657, Hudson Sanders, Coconino County, Arizona.

Q Did you ever have to carry the question of your citizenship before any court? A Yes sir.
 Q What court? A The Chambers court.
 Q Is that the only one? A Yes sir that is the only one; I was admitted by the Chambers Court.

Q Where was it sitting? A At Tahlequah.

Q In what year was that? A I cannot tell what year it was.

Q Your citizenship had been disputed had it? A Yes sir.

Q When was your right to citizenship first disputed? A It was during the time that Thompson Oochalita was chief.

Q Was that before the 1880 roll was made? A Yes sir.

Q Did the court decide in your favor? A Yes sir.

Q Was there any dispute made then about your being put on the 1880 roll? A No sir.

Q Were you required to show a copy of the decision of the court in your favor when you went to enroll in 1880? A No sir.

Q Did they ask you any questions when you went to be enrolled in 1880? A No sir.

Q Where did they take your name? A I was in Goose-neck Band, at the time.

Q Do you know the applicant Elizabeth Meigs? A Yes sir.

Q Your wife is her daughter? A Yes sir.

By W. W. Hastings:

Q Peter Meigs' citizenship was disputed the same time yours was? A Yes sir.

Q Did he go before the court at the same time? A No sir, I think not.

Q His wife's citizenship was also disputed? A I judge so.

Q Did she go down before that court? A Not to my knowledge.

Q Did he go down to Tahlequah to the court before that time? A Yes sir I think he went down to the Bob Daniels court, think he went with my father.

Q Was Bob Daniels Chief Justice of that court? A Yes sir.

Q Just a few years after the war? A Yes sir.

Q In '91 wasn't it? A Yes sir.

Q Was any action taken in that court? A I don't know.

Q You were not there yourself? A No sir.

Q You were about 15 or 16 years old when you came there? A Yes sir I guess so, I don't exactly know how old I was.

Q You were not married then? A No sir.

Q How long long after you got back before you married?

A Not very long after I got back.

Q Did you marry on your way down here? A No sir.

Q How long had you been here before you married? A I have been married twice.

Q How long had you been here before you married the first time? A Not very long.

Q As much as a year? A May be so.

Q Is that your best judgment? A My best judgment is perhaps that it was that long.

Q When were you married to your present wife? A Upwards of 30 years, or so.

Q How long did you live with your first wife? A Not very long, she died.

Q A year? A Perhaps it was, maybe a little longer.

Q Then you married your present wife? A Yes sir.

Q When you came to the Cherokee Nation how did you come the first time? A In wagons.

Q The first time? A Yes sir.

Q The same with you? A Several were on horse-back; it is beyond my knowledge how many there were.

Q Tell all you can remember? A We made a trip in August and one in October and then we moved here in the winter.

Q Did you come in August? A Yes sir.

Q Who came with you then? A Some of this family, Peter Meigs and got his place; the heads of those families.

Q Who else came with you? A My brother Dan and the Whitmires.
 Q Which ones? A Soverals.
 Q Which ones? A Mose and Dennis, and the Webbers.
 Q Name them? A Old man Sam and younger Sam and little Aaron, and a man named Abe Thurman, and Abe Hair, and I dont know who else, I dont know who all come.
 Q Who come when you come in October? A I dont know who all come then, some of that same crowd and some more come in October.
 Q Do you remember any additional persons? A To the best of my knowledge the Smith family.
 Q What was his first name? A Old man Caesar Smith.
 Q You come in both of the detachments yourself? A No sir.
 Q Which one did you come in? A I come in August.
 Q You didn't come in October then? A Yes sir, I come when we first come; we brought some of our families with us when we come in August and left the on the creek.
 Q On Big Creek? A Yes sir.
 Q Where Mrs. Meigs lives? A Yes sir.
 Q And you returned in October, how long did you stay in October.
 Q We all didn't return in October, we didn't all go back, some staid in August, some staid and some came back, some of us brought our things with us and some came to look out homes, we all come with the intention of making our homes here.
 Q When did you afterwards move here the last time? A In the winter of '66 is when we come down here the last time.
 Q What time in the winter? A Long in January.
 Q You mean in '67.
 Q No in the winter of '66.
 Q If you came here in the August and October of '66 and then returned for your families and came back here in the following winter, in the following January or February, that would be in '67? A I dont understand you; we came here in the winter of '66 is what I said, in January after we had first been here in August and October, we came right to where Mrs. Meigs is living now.

By the Commission:

Q You say you first came here in August of '66? A Yes sir.
 Q That was your first coming was it? A Yes sir.

By Hastings:

Q When you moved here permanently, tell all that you possible can remember of who came with you in the January or February following?
 A This family is one, her, the Meigs family, Peter Meigs, Elizabeth Meigs, Mary Meigs, George Meigs, Simon Meigs, Harriett Meigs, Perry Meigs, that is all that I can remember of that family.
 Q I dont mean only of that family, there were other families were there not? A Old man Billie Forman.
 Q Who also? A He had several children.
 Q The heads of families I mean? A Fannie Sanders; I dont recollect them all; I dont know as I can call the names of all of them.
 Q Were any of the Webbers along? A Yes sir.
 Q Old man Sam and young Sam? A Yes sir; I wouldnt not pretend to call them all over as I had forgotten them Webbers and so I cant remember for if I has forgotten them I dont think I can remember any of the others.

By the Commission:

Q Did old man Sam Webber come? A Yes sir.
 Q Did his son Sam come? A Yes sir.

Q Dont you remember any one else? A Rachel Hobber.
 Q Do you think of any one else? A No sir.
 Q You know that it was a mooted question before the Burns Clifton Commission as to who came at this time and as to when you come? A. I havent been interested as to anyone except for myself.
 Q You know that there is a question about who came dont you? A Yes sir. I guess I do.
 Q You say you came to Big Creek? A Yes sir.
 Q Did you come by the way of Chetopa? A Yes sir. I guess that we did, I dont know that they called it Chetopa then, there was a house or no there.
 Q Did you cross the river there? A What river.
 Q Neosho? A No sir.
 Q You didn't cross at the Gilstrap ferry? A No sir we crossed 20 or 30 miles from there.
 Q You came through what is Chetopa and came on west through the prairie? A We may have.
 Q You were in wagons? A Yes sir.
 Q Were there any persons living on any of that country from Chetopa west, out to Big Creek except your own people who had come in August or October before that? A I have no knowledge of any one living there before that.
 Q Were there any houses there except those that your crowd built? A I dont know of any houses, but there were foundations for them on Big Creek.
 Q Then the houses were not built before you moved there with your families? A Yes sir some were, there there were logs on some up 8 or 10 logs high.
 Q Then there were none really completed until you moved there with your families? A No sir.
 Q Did you make a crop there the first year that you moved there? A Yes sir as near as we could with one horse plows and hoes.
 Q Do you know Jim Martin? A Yes sir.
 Q How far does he live from you now? A 4, 5 or 6 miles.
 Q Was he living there when you people moved there? A No sir.
 Q He had a brother named William Martin? A Yes sir.
 Q Was he living out there then? A No sir.
 Q There was an old man by the name of Carter living out there then, wasn't there? A No sir; there was an old man named Carter living 20 miles perhaps from there quite a while after we come there.
 Q Was his name Dick Carter? A I think it was.
 Q You say he lived some 20 miles from there? A Yes sir 20 miles below, on the Verdigris river. He come some time after.
 Q Do you know if that ferry that you crossed the Neosho river was called Gilstrap ferry? A No sir we never crossed on Gilstrap ferry.
 Q There were no farms made there when you passed through--no citizens had farms up there? A No sir none that I saw.

By the Commission:

Q You stated, I believe, that the first time that you come to the Cherokee Nation after the Civil war closed was in August of '65?
 A Yes sir.
 Q For what purpose did you come back then? A To make it our home; the proclamation had told us to come home, that it was open for us to come.
 Q You didn't bring your families with you then? A Only part of them; and some things that we had.
 Q Part came with their families and part came to prepare for their families? A Yes sir.

- Q What men were with you on that first trip? A This family, the Meigs family, not all of this man's boys, but the old man Meigs, Peter Meigs.
- Q You didn't bring your family with you at that time did you? A No sir.
- Q Did Peter Meigs bring any of his family then? A No sir.
- Q Did you go back to Kansas after that? A Yes sir.
- Q When did you bring your family? A Our family came in October.
- Q When did Peter Meigs go back to Kansas? A I think with my father.
- Q You came yourself in August? A Yes sir with my father.
- Q You went back to Kansas after that? A Yes sir my father went there and I went with him.
- Q When did Peter Meigs go back? A He went with the crowd.
- Q Did he go with you and your father? A Yes sir.
- Q Then you returned to the Cherokee Nation again in October? A Yes sir.
- Q Did your father come with you? A Yes sir.
- Q Did all the members of your own family come with you? A No sir, not all of them came in October.
- Q Where was Peter Meigs in October? A He came with us at each trip.
- Q Did he go back to Kansas with you? A Yes sir.
- Q And then you came back here to the Cherokee Nation in October? A Yes sir.
- Q Did Peter Meigs come back with you to the Cherokee Nation in October? A Yes sir.
- Q That made the second time that Peter Meigs had been here? A Yes sir.
- Q There was Peter Meigs in Christmas of '66, do you know? A No sir, I don't exactly know where he was in Christmas of '66.
- Q When Peter Meigs got back to the Cherokee Nation with his family did he settle in the Cherokee Nation near your family? A Yes sir.
- Q How far apart? A Two or three hundred yards apart.
- Q Did he then go back to Kansas for his family after he made that October trip with you? A No sir he went back after something to eat.
- Q You stated that he brought his family the last time in February, when did he go back after his family? A The third time he brought his family.
- Q You staid here then? A Yes sir.
- Q When did you come? A In the winter.
- Q Was it in February? A Must have been in December.
- Q What about that February trip you spoke of? A It was in the winter some time. Snow on the ground.
- Q Did your father come at that trip? A Yes sir.
- Q Your mother? A Yes sir.
- Q Peter Meigs? A Yes sir.
- Q His wife? A Yes sir.
- Q That was your third trip? A Yes sir.
- Q Was that your last trip? A Yes sir.
- Q When did your wife Alice come? A Come then.
- Q On that third trip? A Yes sir.
- Q You say Peter made all three trips with you? A Yes sir.
- Q Every time you came he came? A Yes sir.
- Q Every time you went back to Kansas he went back? A Yes sir, that is to the best of my knowledge.
- Q Did he go there by himself? A No sir.
- Q Do you remember distinctly that you came here in August the first time? A Yes sir.
- Q Do you remember distinctly that Peter came with you in August and October? A Yes sir.
- Q Do you remember distinctly that he come with his family when you made your third and last trip? A Yes sir.
- Q With his family? A Yes sir.

By Com'r Breckinridge, -

The applicant states that she was a slave in the Cherokee Nation from the time the Cherokees moved to the Indian Territory in 1837 until she was liberated by the Civil war. She is identified on the Kerne-Clifton roll and on the Wallace roll, but not on the 1880 roll or upon the roll of 1896. The testimony indicated that her husband first returned to the Cherokee Nation after the war, coming from Kansas in August of 1866, that he came at that time to prepare for the bringing of his family back to the Cherokee Nation. He is now deceased, but he and the applicant were married at that time and had several children. The testimony further indicated that the applicant's husband made a trip back to Kansas in October, but not with a view of relinquishing his purpose to bring his family to the Cherokee Nation, but apparently to get provisions. It further appears that he returned to the Cherokee Nation with his wife and children in the following month of February. There is some conflict of testimony in regard to this matter, but so far that is the weight of the testimony. It also appears that proceedings may have been had by some Cherokee Court, either a citizenship court or the Cherokee Supreme Court, prior to the date of the Chambers Court, affecting the citizenship of this applicant and her husband and all those who may claim through them. It will be necessary to make further inquiry upon this point, and if possible to get an official copy of the record. Under these conditions, the applicant will now be listed for enrollment on a doubtful card and the final decision of the Commission will be made known to her at her post office address.

~~REDACTED~~

Chas. von Weise, being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes therein,

Chas. von Weise.

Subscribed and sworn to before me this the 29th of May, 1901 at Chelsea, I. T.

T. B. Needles,

Commissioner.

SUPPLEMENTAL:

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T., May 22, 1901.

In the matter of the application of Elizabeth Meigs for enrollment as a Cherokee Freedman;
REUBEN SANDERS, having been before sworn by Commissioner Breckinridge, testified as follows:

Q Give your name? A Reuben Sanders.
Q How old are you? A I am only about 50 past.
Q You gave testimony just now in the case of Elizabeth Meigs?
A Yes sir.
Q And you want to correct a statement you made there? A Yes sir, I wish to make the statement that it was in January, 1867 when we made the last move, about the first of the month; it was the following August in 1866; we had been here in August you know, in '66 and in October, and we made the last move in '67, January, and I put it down February I think; I wanted to say January.
Q How do you find out now it was January instead of February?
A It was just after Christmas that we was on the road coming down.
Q How long after Christmas? A Perhaps a week after Christmas; my reason for stating this is this, along Christmas- a few days before Christmas there was a man got killed named Hayford, and there was a gentleman killed him, a colored man killed that man Hayford, a man by the name of Mackey, and we started then right shortly after that killing was, and the parties followed us, thinking he was with us, in our crowd, that was just the following- a few days after Christmas, a week; or after Christmas.

Examined by Cherokee Representative, W. W. Hastings:

Q How old are you? A Well I just don't know my age exactly, I suppose that I am about 50 years old; something in that line.
Q Where did you say that killing took place? A In Kansas.
Q Fort Scott? A Yes sir.
Q And the man that was accused of the killing was named what? A Named Mackey.
Q You remember his first name? A No.
Q You remember the man who was killed, you get his first name? A No sir I don't.
Q Did you ever learn afterwards whether or not that man was caught, do you know? A It seems to me like I learned afterwards that the man was caught. No I don't know nothing about that part of it.
Q You know what county Ft. Scott is in? A No sir.
Q Who called your attention to this ~~pru~~ error? A I thought so myself; I called my own attention to it; I was studying over it, I did.
Q You know now it was only a few days after Christmas? A Yes sir, a few days after Christmas.

Com'r Breckinridge: This statement will be filed as supplemental in the Elizabeth Meigs case, to be considered in connection with the former statement of the witness, and the other evidence relating to the date in question.

M. D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

M. D. Green.

Subscribed and sworn to before me this May 23, 1901.

C. R. Breckinridge,
Commissioner.

File with Cherokee Freedman D-391, Elizabeth Meigs

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T., October 15, 1901.

In the matter of the application of Elisabeth Meigs et al. for enrollment as Cherokee Freedmen.

Testimony introduced on behalf of the Cherokee Nation.

Appearances:

L. T. Brown, agent for the applicant;
J. S. Davenport, of counsel for Cherokee Nation.

L. T. Brown: I would like to have the record show that sometime next week the applicant intends to introduce as witnesses in this case, Aaron Wright, Reuben Sanders, Dan Sanders, and Sam Webber, for the purpose of showing that all the applicants in this case returned to the Cherokee Nation during the time proscribed by the Ninth Article of the Treaty of 1866.

Commissioner Needles: Hasn't that already been shown?

L. T. Brown: And that they have had a continuous residence in this country since that year.

Commissioner: Well, that is all right.

ROBERT MEIGS, being duly sworn by Commissioner Needles, testified as follows.

Mr. Davenport: What is your name? A Robert Meigs.

Q Where do you live? A I live five miles southwest of Tahlequah.

Q What is your postoffice? A Park Hill is my postoffice.

Q How old are you? A I am 56 my next birthday.

Q How long have you lived in the Cherokee Nation? A I have lived here all my life except a little while time of the war, from '64 to '65.

Q Did your people own any slaves before the war? A Yes sir.

Q Do you know whether they owned a woman by the name of Elizabeth?

A No sir.

Q Do you know whether or not they owned her mother, or anybody of the family? A Elizabeth, no, sir.

Q Well, did you know Peter Meigs? A Yes sir.

Q Do you know what his wife's name was when the war broke out?

A Betsy they called her.

Q Well, was she living, Betsy, at the time the war broke out?

A Yes, sir.

Q Well, did you ever know her by any other name than Betsy?

A Bettie.

Q Where was Peter Meigs and his family at the breaking out of the war? A Well Peter was with us at home at the breaking out, but he and his wife was up there somewhere near the Dutch Hills on the Arkansas line.

Q Well I wish you would look at that woman there and see if she is the woman you knew as Betsy or Bettie or whatever you know her by (indicating applicant)? A Yes, I think that is the one, I have never seen her but once.

Q That is since the war? A I just saw her once in my life and that was time of the war, after the war.

Q Did you ever see Peter Meigs and his family after the war? A Yes, sir, saw Uncle Peter.

Q What year was that? A Sometime after '71.

Q What were the circumstances as to your seeing him or meeting him?

Q Well he had to come down to Council to see about fixing up his rights, and he came down to visit my brother John, we were right together, and I went up there to see him.

Q Did you have a conversation with him or did he have a conversation with your brother John in your hearing where he and his wife were present in regard to his right or when he returned? A Yes sir.

Q Give that conversation as near as you can.

L. T. Brown: The applicant objects to this witness relating any conversation he might have had with Peter Meigs, for the reason that Peter Meigs is dead and cannot affirm or deny this statement.

Commissioner: The objection will be noted, and the witness will answer.

Q Go ahead and state what the conversation was between you? A He was talking about returning, he said he came down here in the fall of '66 and started to make him a place somewhere on Big Creek and his family wasn't with him, and afterwards when he returned why it was too late when he brought his family.

Q Did you ever see any other members of his family excepting he and his wife at the time you speak of? A No, sir, just him and his wife is all, I wasn't acquainted with the children.

Q Do you know where he was living at that time? A He said he was living on Big Creek somewhere.

Q That was in what year? A This was after '71 sometime, I don't know just what time it was.

By L. T. Brown: Now what did you say that conversation was, Mr. Meigs? A Why he said that he had come down to make him a place somewhere up here on the Verdigris, or Big Creek, and he started to make him a cabin, and put up the wall, and then went back for the family.

Q He told you that he came down and started him a little cabin with the intention of making him a home in the fall of '66? A He said he came down and started to make him a home.

Q In the fall of '66? A Yes, in the fall of '66.

Mr. Davenport: Well, what did he do after he started that home, did he say, after he started that cabin? A Went back after his family.

Q And he stayed up there till when he came back down here it was too late, is that what he told you? A Yes, sir.

L. T. Brown: How long did he tell you he stayed up there in Kansas after he made the first trip? A He didn't state, I believe he gave but one date.

Commissioner: This testimony will be made part of the record in the case at bar, and also part of the record in D case 394, D-396, D-398, D-401, D-402, D-401, D-407, and D-775, and the sub-references.

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C. Jones.

Sworn to and subscribed before me this the 7th of November, 1901.

T. B. Needles,

Commissioner.

File with Cherokee Freedman D-391, Elizabeth Meigs.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T., October 19, 1901.

In the matter of the application of Elizabeth Meigs et al. for enrollment as Cherokee Freedmen.

Supplemental testimony on behalf of the applicant.

Appearances:

L. T. Brown, agent for applicants;
L. B. Bell, of counsel for Cherokee Nation.

DANIEL SANDERS, being duly sworn by Commissioner Needles, testified as follows:

By L. T. Brown: State your name? A. Daniel Sanders.

Q. What is your age? A. About 59.

Q. What is your postoffice address? A. Centralia.

Q. Are you a recognized citizen of the Cherokee Nation? A. Yes, sir.

Q. Does your name appear upon the authenticated roll of 1880?

A. I think it does.

Q. You know Elizabeth Meigs and George Meigs? A. Yes, sir.

Q. What relation is George Meigs to Elizabeth Meigs? A. Her son.

Q. Did you know Peter Meigs during his life time? A. Yes, sir.

Q. Do you know whether Peter Meigs, Elizabeth Meigs, and George Meigs were out of the Cherokee Nation during the war? A. Yes, sir.

Q. When did they return to the Cherokee Nation? A. They came in '65.

Q. With whom did they return? A. They came with me and my father and the Wetbers.

Q. Have they had a continuous residence in the Cherokee Nation ever since? A. Yes, sir.

Mr. Bell: When did you come to the Cherokee Nation yourself after the war? A. In '66.

Q. What time of the year? A. First of December.

Q. That was the first time? A. Yes, sir.

Q. When did you make your second trip? A. Along in first part of January.

Q. That was January, 1867? A. Yes, sir.

Q. Now which one of these trips was it that Peter and his family came with you? A. They came both times.

Q. Came both times? A. Yes, sir, the old man came the first time and then the last time the family came.

Q. Peter came with you alone the first time? A. Yes, sir.

Q. Then the second time he brought his family? A. Yes, sir.

Q. What did his family consist of? A. Mary, George, Alice, Harry, Simon, and Perry.

Q. Then was his children? A. Then was his children.

Q. Well he had his wife Elizabeth with him, didn't he? A. Yes, sir.

Commissioner: This testimony will be filed and made part of the record in the case at bar and part of the record in D-394, D-396, D-398, D-401, D-402, D-404, D-407, D-775.

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C. Jones.

Sworn to and subscribed before me this the 7th of November, 1901.

T. B. Needles,

Commissioner.

The undersigned, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he made the foregoing copy, and the same is a true and complete copy of the original.

Ray Palmer

Subscribed and sworn to before me this the 9th day of August, 1902.

W. R. Smith
Notary Public.

Suppl.-C.F.D. 2

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., February 24, 1902.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of
SAMUEL BECK as a Cherokee freedman; introduced on part of the
Cherokee Nation:

Appearances:

L. T. Brown, Vinita, I. T., Agent for Applicant;
J. S. Davenport, Cherokee representative.

L. B. BELL, being duly sworn, testified as follows on
part of the Cherokee Nation:

MR. DAVENPORT:

- Q. What is your name? A. L. B. Bell.
Q. Where do you live, Mr. Bell? A. Vinita, Indian Territory.
Q. How long have you lived in and near Vinita? A. Oh, since '67,
including most of '67.
Q. Was there any railroad running in or through Vinita when you
first moved into that community? A. No, sir.
Q. When did the railroad first come through that country, Mr. Bell?
A. In 1871.
Q. You know this applicant, Sam Beck? A. No, I don't know him.
Q. Don't know anything about him? A. No, sir.
Q. Was you living in that country before the railroad started from
Kansas through the Indian Territory; that is, the M. K. & T.?
A. Well, I will tell you what I know about the railroad; The rail-
road came through the country in 1870, and on the application of
the Cherokee Nation, a complaint to the Secretary of the Interior,
they stopped building and during the session after 1870 of the
National Council of the Cherokee Nation, they passed an Act there,
it is dated the 14th of December, 1870, authorizing the furnishing
of cross-ties to the railroad, and agreeing that the railroad would
go through. The secretary hadn't determined which had the right-of-
way. They had begun it in 1870 and the M. K. & T. got the right-of-
way, and then they authorized the selling of cross-ties, and I went
to Chetopa and made a contract with the Company for cross-ties
enough to build from the Kansas line to Pryor Creek and sublet it.
Mr. Martin was one I sublet to, that was in 1870 that contract
was made, I don't recollect the exact date. Well, just a few days
following that we began getting cross-ties and then worked on down
to the Creek Nation. That was the first railroad built in the
country and the first cross-ties was cut on the railroad in this
country.
Q. You don't know anything about the wife of Beck or anything about
them? A. No, I don't.

C. D. MARCHAM, being duly sworn, testified as follows on
part of the Cherokee Nation:

MR. DAVENPORT:

- Q. What is your name? A. C. D. Marcham.
Q. Where do you live? A. At Tahlequah.
Q. How long have you lived in the Cherokee Nation?
A. I was born and raised here; never was out except during the war.

Q Where did you live before moving to Tahlequah? A Lived on Grand river east of Choteau about ten miles.

Q Do you know Samuel Beck, the applicant in this case, or his family? A No, sir.

Q Where were you living along the latter part of the sixties or early part of the seventies? A On the Grand River.

Q Do you know about the year the H. K. & T. railroad built from Chetopa, Kansas, down through the Territory? A It must have been the latter part of '71 or '2.

Q Had you any connection with it any way that makes you remember it? A Yes, sir, I had a contract on the road, beginning at Bryant's lake, down this way.

Q And that was in what years it built down there? A The tie was put in there in the spring, latter part; it was in the spring of '71.

BY ATTORNEY BROWN:

Q You don't know the applicant, Mr. Markham? A No, sir, I don't.

Q You don't know to whom he belonged before the war or when he returned to the Cherokee Nation? A No, sir.

Commissioner. This testimony will also be filed in and made a part of the record in Cherokee freedman case No. D.321.

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J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(signed) J. O. Rosson.

Subscribed and sworn to before me this February 27, 1902.

(signed) T. B. Needles,
Commissioner.

I, A. R. Cheever, being duly sworn, state that as stenographer to the Commission to the Five Civilized Tribes, I correctly copied the original of this case, and that the foregoing is a correct copy thereof.

A. R. Cheever

Sworn to and subscribed before me this 7th day of August, 1902.

[Signature]
Notary Public.

Freed. D-514.

File with Cherokee Freedman D- 474, John J. Ross et al.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T. May 31, 1902.

In the matter of the application of Jane C. Smith for the enrollment of herself and children as Cherokee freedmen.

Applicants appear by Mellette & Smith; Cherokee Nation by J. S. Davenport. Testimony in behalf of applicant.

Frank Ross, being sworn and examined, testified as follows:

By Mr. Smith: State your name? A Frank Ross.

Q How old are you? A 54.

Q Where do you live? A On Lightning Creek, Cherokee Nation.

Q You know Charles C. Smith? A Yes sir, I know him.

Q Do you know his wife? A Yes, sir.

Q What is her name? A Jane.

Q Where do they live, Mr. Ross? A They live up on Hickory Creek, the last time I was up there.

Q In the Cherokee Nation? A Yes sir.

Q How long have they been living there? A They have been living there a good long while.

Q A Good many years? A Yea, over 21 years.

Q Who was Malinda Dannenberg? A His girls' mother.

Q The mother of Jane? A Yes sir.

Q When did you first see Malinda Dannenberg after she was? A In the winter of '66 on Lightning Creek.

Q Was it before Christmas? A Yes sir.

Q Was it in December or November of '66, or do you know? A In December of '66, along about the first of it.

Q Who did she have with her? A She had three children with her, a boy and two girls.

Q Who were they, name them? A Jane, Jim, I forget the other ones name right now.

Q Was that the wife of this man Charles Smith? A Jane was the wife of Charles Smith. The other one is named Emma.

Q Who did she marry? A She married a man by the name of Rose.

Q What Rose? A John J. Rose.

Q What is her present name, what name does she go by now? A She married another man, I don't know his name.

Q Would you know it if you were to hear it? A Yes sir.

Q Was it Nolan? A Yes sir.

Q Her name is Emily Nolan? A Yes sir.

Q Where did you see them? A On Lightning Creek.

Q What were they doing there? A They were camped there.

Q Do you know how long they continued to stay there? A They were there when I left.

Q How long did you stay there? A I stayed there about four or five days.

Q Did you see them any more after that? A I saw them after that about four or five years after that.

Q Not until four or five years after that? A Yes sir.

Q Where did you live at that time? A I lived on Brice's Creek part of the time.

Q I mean at that time where were you living at the time you saw these people? A I was living on Brice's creek.

Q That is how far from Lightning Creek? A About 25 or 30 miles.

J. S. Davenport: You are a freedman citizen of the Cherokee Nation?

A Yes sir.

Q You have been a witness in several of these claimant cases, freedmen cases, haven't you? A Yes sir.

2-Jane C. Smith et al.

Q Well now, how old were you when the war closed? A I was about twenty, I guess.

Q Where were you living at the close of the war? A I was in the army at the close of the war. I was mustered out in '65.

Q Where were you mustered out? A At Leavenworth, Kansas.

Q What regiment did you belong to? A 79th, Company H.

Q Had you known this Matilda Dannenberg before the war? A No sir.

Q You first met her on Lightning Creek? A Yes sir.

Q Who was living with her? A They were in a camp there.

Q I asked you who was living with her when you saw her? A Her children, three children.

Q Any men folks? A Harry Still.

Q Did they have a home there of any kind? A They did not have no home at that time, they just come down from Kansas then.

Q Do you know how long they stayed there? A Some of them is there yet.

Q Which some of them is there yet? A Mrs. Hayden and Harry Still is there.

Q Which of the people have continually resided there from '66 until the present time? A Jane and Jim and all of them.

Q Have they resided in the Cherokee Nation ever since '66, are you able to say they have? A Every time I saw them they were there, they never were out.

Q Don't you know they have lived out? A No, I don't know.

Q Don't you know John Rose and Emily were married in the State of Kansas? A No sir.

Q Did you know her before? A Yes sir.

Q Before they were married? A Yes sir.

Q How many years did you see her before she and John were married? A Ten or fifteen years.

Q Before Emily Dannenberg and John Rose were married? A Yes.

Q You are sure? A Ten or fifteen years.

Q Did you ever see Emily before the war? A I told you I didn't know them before the war.

Q You think it was at least ten years after the war before she and John were married? A I guess so.

Q Do you know anything about it? A Yes, sir.

Q If you know anything about their marriage you know they were married in '67? A I didn't see them when they got married.

Q The record of the Court shows they were married in '67? A I wasn't there when they were married.

Q It could not have been ten years from the time you saw her when she and John were married, could it? You don't remember a thing about that until you were called on at the tale end of this business? A Yes sir.

Q Why, don't you know they were married in '67? A Because I wasn't there.

Q Were you living on Lightning Creek when they were living there?

Mr. Smith: I object to that.

Commission: Answer his question.

A All the folks that were living there knowed I was living there.

Q They had a name, who were they? A Moss Wright, Nelson Murrell.

Q Was Nelson Murrell living on Lightning Creek in '66? A Nelson Wright and Lewis Whitacre were living there.

Q They do not claim to have lived on Lightning Creek until after '66; they were living on Big Creek then? A They had built their houses there in '66.

Q They claimed to have built a house there in 1865, does their testimony show that? A I never seen their testimony.

Q Don't you know they claim they come down here in the fall of '66 and stopped on the Verdigris and made a crop and then came over on Big Creek and then in '67 came to Lightning Creek? A I don't know, it was '66 when I seen them up there.

Q Where was Charles Smith and his wife married? A I don't know.

3-Jane C. Smith et al.

Q Where were they living when they married? A I don't know.

Q Did you ever know them before they were married? A Yes sir, I knowed the girl.

Q What was the girl's name? A Jane.

Q Where did you know her? A I knowed her on Lightning Creek and on the bend in there.

Q What bend? A Goose-neck Bend.

Q It is some distance from Goose-neck Bend to Lightning Creek? A About fifteen miles.

Q How big a girl was she when you knowed her? A She was a big girl about 17 or 18 years old.

Q Was she living in a house up there? A She was living in a tent when I seen her.

Q How often did you see her? A I saw her lots of time... I never saw her but once in '66.

Q How long after that until you saw her again? A About four or five years.

Q They weren't living in a house when you saw them first? A They were living in a house then.

Q You never seen her until after '66? A I hadn't seen her until I saw her after that.

Q When did you see her when she was living in a house? A It was along about '73 or '4.

Q When did you see her mother, Matilda; was her mother living in the Cherokee Nation, living in a house? A I saw her living in a house along in '70.

Q When did you see Emily Nolan living in a house in the Cherokee Nation? A I saw them living with their mother.

Q How did it happen that you were going through that country in '66 and remember seeing these people in a tent? A I was hunting a place.

Q In '66? A Yes, and am living there yet.

Q You were living on Pryor Creek? A Yes sir.

Q And you changed your locality and went up there, there wasn't hardly anyone living on Pryor Creek? A There wasn't many.

Q Whose place did you pass when you went to Lightning Creek from Pryor Creek? A There wasn't any one living there. The country was all wild up there then.

Q And you just happened to go out in that unsettled country away from where you lived to locate your place? A Yes sir.

Q There was plenty of vacant land along Pryor Creek was there not? A Yes.

Q There was plenty along Verdigris? A I didn't want to go on the Verdigris.

Q There was plenty of vacant land there? A Yes.

Q And plenty of it along Big Creek? A Yes, I didn't get on Big Creek.

Q What part of Lightning Creek did you see these people pass? A Rachel Glass' place.

Q Is that the place Harry Still afterwards bought? A No sir, he didn't buy that place.

Q Then you have no recollection of seeing these people living in the Cherokee Nation or camping out in the Cherokee Nation until along in the '70's? A Somewhere along there.

Q You don't know what they did in '66 when you saw them there, whether they stayed there or whether they went away? A No sir.

Q What makes you remember it was '66? A It was after I was mustered out of the service in '65 and I come back home after that.

Q It was the year after you were mustered out? A Yes sir.

Q What year did you locate your farm up on Lightning Creek? A '73.

Q Well, it took you quite a long while, about five years to locate your claim up on Lightning Creek? A Yes, but I wasn't on Brice Creek.

Q You didn't get your place located on Lightning Creek until '71?

A I went up there and took my claim.

4-Jane C. Smith et al.

Q You didn't locate your claim then in '71? A I didn't make no house on it in '66. I didn't do anything on it then, I went over it, I wanted to see what it looked like.

Q It looked like a wilderness? A Yes.

Q And you left it five years before you went back? A Yes sir, there wasn't anybody but a few old settlers, the Whitmires were there.

Q Name a Cherokee or white man that lived there? A There wasn't any lived there then. There is not many now.

Q Did the Whitmires have their women folks there when you were there in '66? A Aunt Mariah Hayden was there,

Q What month was this in '66? A Along before Christmas.

Q You said a while ago it was in December? A Yes, December is before Christmas; Christmas is in December.

Q What makes you remember it was before Christmas? A Because it was getting cold, it was getting winter.

Q Why doesn't it get cold right after Christmas? A Yes, sometimes it gets cold before Christmas.

Q You want to get it before Christmas so as to be sure to get it within the treaty that they were there? A No, that was the time we was there.

Q Did you have a conversation with them as to their having been freedmen? A Yes, I knowed them before the war and I talked with them.

Q You stayed all night with them? A I stayed all night with Nelson Whitmire.

Q Is he living or dead? A He is dead, his wife is living.

Q Well, you don't know where Charley Smith and his wife have been living since that time? A Living on California Creek.

Q All the time since '66? A Every time I have seen them.

Q Have they always resided in the Cherokee Nation since '66? A I couldn't say that, they might have gone out somewhere; every time I saw them they were here.

Q When did you first get acquainted with Charles Smith? A It has been a long time.

Q Was it in '66? A I didn't know him until after he married this woman.

Q Was he a freedman too? A I don't know.

Q Don't you remember him as well as meeting his wife? A Yes sir.

Q Well what year did you meet Charley Smith? A I don't remember.

Q Why can't you remember him you remember his wife? A Because I remember it being directly after the war.

Q You remember because he married a girl out in the prairie, out in a camp? A I didn't say anything about in the prairie. I said it was on the forks of the Creek.

Q You remember his wife because you had met her out there? A Yes.

Q Why can't you remember the year he and his wife married? A Because I wasn't there, I don't know when they married.

Q You weren't there when they came in on that Creek were you? A Yes sir.

Q You said they were there on the Creek when you got there? A The family was there. I didn't say Charley was there.

Q You weren't there when they left either were you? A I wasn't there then.

Q You don't know anything about it except the little point of '66?

A Oh, yes.

Q In later years you have seen them but you didn't see them from '66 until up in '71, you never saw one of his family living up in the Cherokee Nation on Lightning Creek? A I never said I saw them on Lightning Creek in '70. I seen them up on the ~~same~~ bend pretty near every year.

Q What year did you see them most from '66 and up to '71 at celebrations? A I saw them in '70 all along.

Q Then there was a period of five or six years you didn't know where they were? A Yes.

Q Was she married when you saw them there in 1871? A I don't know, she may have been.

5- Jane C. Smith et al.

Q When did you first see Charley and found out that he claimed to have married this girl? A It was a good while after that.

Q Was it as late as '80? A Before that, it was along in '77 or '78.

Q When did you first see this Emily and know that John Rowe and she were married? A About the same time.

Q About '77 or '8? A Somewhere along there.

Q Did you ever know of these parties living at Lawrence, Kansas, and Topeka, Kansas? A I never was there; I come through there.

Q Did you ever know of this family living there? A No sir.

Q Did you know John Rowe before he and Emily were married? A He and him soldiered together.

Q You were both mustered out in Kansas? A Yes.

Q Did you ever see John Rowe from the time that you learned that he and Emily had married? A No, when I seen him he said he was married.

Q Did you separate from Rowe in the Cherokee Nation or in the state after you and he were mustered out? A We separated at Leavenworth.

Q How far is Leavenworth from Lawrence? A I don't know how far it is. It ain't very far.

Q You made the trip didn't you? A But I didn't know how far.

Q You have no idea what the distance is? A No sir.

Q When you were mustered out and came down to the Cherokee Nation, do you know whether John had ever met Emily at that time? A I don't know, I left him at Leavenworth.

Q After you met him in the Indian Territory did you have any conversation as to where they had been living before they came to the Cherokee Nation? A No sir, never had no such conversation. They told me they lived on California Creek when I first saw them.

Q Where did they say they were living from the time you and John separated at Leavenworth, Kansas, up until the time you learned he and Emily had married? A He never told me where he was living.

Q Do you mean that we should understand that you had soldiered with a man and been mustered out with him and then separated from him and hadn't seen him for 9 years or about that time and then when you met again you didn't ask as to where he had been during the interval? A No, he never told me and I never asked him.

Q You and John Rowe weren't very intimate soldiers? A We were always good friends.

Q Did Rowe ask you where you had been living? A Not that I know of.

Q You then didn't discuss the subject of residence between you? A Not that I recollect; I don't think he asked me.

Q What month of the year were you mustered out? A In October.

Q Of what year? A Of '65.

Q What year was the Wallace roll made? A Along in '80, some time in '86 I believe.

Q Why can't you remember the exact year the Wallace Roll was made, you remember '66? A Because I remember '66 is because I was mustered out in '65.

Q You drew money from the Wallace roll; why can't you remember that just as well as the year '66? A I don't know.

Q What year was the Kern Clifton roll made? A Along about '89 some where.

Q How far do you live from Charley Smith now? A He lives up on Hickory Creek.

Q About how far is it? A About 26 miles.

Q Has he ever lived any closer to you since he came to the Cherokee Nation than that? A No sir.

Q How far did you live from John Rowe's? A He lives near Lonapah, about the same distance.

Q Did he ever live any closer to you than that? A No sir.

Q Then you haven't been seeing them very often since they came? A I seen them sometimes every year and sometimes twice a year when we have meetings up on the bend.

6- Jane C. Smith et al.

Q You were at Chelsea and Nowata and nearly all the places where the Commission was the past year? A Sometimes a day and a half a day.

Q You were there when Charles Smith made his application? A I don't think I was. I saw him there at Chelsea.

Q Did he call you as a witness? A He called me, but he didn't use me.

Q How did that happen? A I don't know.

Q It happened because you didn't know anything that would benefit him? A Just as much as I know now.

Q You didn't tell him then what you know now and what you are telling here to-day? A Yes, I did.

Q How did it happen that he didn't use you then? A I don't know.

Q You waited until the last day before you came? A I didn't know this was the last day.

Q You don't mean to say that you didn't know this was the last day fixed by the Commission? A Is this the last day?

Q Do you mean to say you didn't know? A I heard it was the last day, but I don't know it.

Q And you waited until that day to come and testify? A I have been here ever since Wednesday and have been waiting on you fellows.

Q We have been ready to take it any time? A I don't know.

Q Have you been denied since you came here that we would not take your testimony? A I don't know.

Q Have you asked that you might give your testimony that you might go home? A I was waiting until they called it up.

Q You knew when you came here Wednesday that you weren't expected to testify until today? A No sir, I didn't.

Q And you didn't want to testify until today and not until this afternoon? A I was willing to testify the first day I come here so I could have been home.

Q Who did you ask? A I didn't ask nobody.

Q Been around the Commission room continuously ever since you came?

A Not ever since I been here, I have been sick half the time down at the hotel.

Q Who was Chief when you were up there in '66 and saw these people camping? A Bill Ross was acting as chief then.

Q You weren't up there hunting horses like L. D. Daniels, were you?

A Lewis Daniels was elected chief after that.

(REDIRECT)

Q How is the health of the people generally in that country? A My health has not been very good.

Q Do you know whether this paper was handed in Thursday that you be called to testify in this case, or not? A No sir, I don't know.

The applicant offered in evidence a certified copy of marriage record taken from the marriage records of Cooweescoowee District, Cherokee Nation, certified to by B. W. Alberty, Assistant Executive Secretary of the Cherokee Nation.

J. S. Davenport: The representative of the Cherokee Nation objects to the introduction of the paper offered in evidence because it does not purport to be a certified copy of any regular marriage record kept, does not purport to be a copy of the license recorded or the certificate of the Minister or other officer solemnizing the same. The representative of the Cherokee Nation further objects to the document offered because that it is immaterial and incompetent and not a record which can be proven by a certified copy, it not being a record entered by official of the nation while in his official capacity, or which purports to be an official act, but is simply a record stating what the recollection of a man who was at some time clerk, remembers about a certain marriage, and because of the further fact that the Clerk has no power whatever and never did under the Cherokee law, by his unlawful acts, have the right to admit to

citizenship anyone by violating the law and issuing to them a marriage license.

Commissioner: The document will be filed and considered for what it may be worth.

7-Jane C. Smith et al.

This testimony will also be filed in the following freedmen cases:

D-532, Eladora Smith;	D-533, Cora Morris;
D-515, Pearl Smith;	D-516, Matilda Smith;
D-511, Emily Helen et al;	D-514, John J. Rose et al;
D-517, Mary Blackburn et al;	D-518, Charles Rose;
D-520, James Calbert;	D-521, Geneva Lynch et al;
D-504, William Rose;	

as well as in the case at bar, the same being that of Jane Smith for the enrollment of herself and children, D-514.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

E. G. Rothberger.

Subscribed and sworn to before me this 10th day of June, 1905.

E. G. Reuter,

Notary Public.

SEAL.

I, Roy Palmer, being first duly sworn, state that as stenographer to the Commission to the Five Civilized Tribes I made the foregoing copy, and that the same is a true and complete copy of the original.

Roy Palmer

Subscribed and sworn to before me this 20th day of August, 1905.

B. Jones
Notary Public.

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Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., May 31, 1904.

In the matter of the application of HARRY ADAMS for enrollment
as a Cherokee Freedman:

Applicant appears by Mellette & Smith; Cherokee Nation, by
W. W. Hastings:

By Mr. Smith:

The applicant moves the Commission to make the certified
copy of the decree of the Court of Claims in the case of
Hodge Whitacre, Trustee for the Freedmen, vs The Cherokee Nation,
No. 17809 filed in the Mariah Hayden case F D 498, a part of the
record in this case and the cases hereinafter mentioned by refer-
ence to the said case of the said Mariah Hayden, and if it be deemed
necessary that a copy of the said decree be filed in this case and
in the following cases, to-wit:

John S. Hunt, D 474

By W. W. Hastings:

Comes now the Cherokee Nation and objects to the intro-
duction of the decree because, first: It does not tend to show
that the applicant was a slave of the Cherokee Nation at the
beginning of the war, nor that he returned within the time specified
in the treaty of 1866, or that he had been a continuous resident of
the Cherokee Nation since that time, or that he is a descendant of
such a person. Second: Because the same is incompetent, irrele-
vant and immaterial, and does not tend to prove an issue in this
case. Third: Because the Commission will take judicial knowledge
of all laws, treaties and decrees necessary for the determination
of the right of any person who makes application for citizenship.
Fourth: The Cherokee Nation objects to the filing of a certified
copy of this decree in the case of an applicant unless the same
is called and filed in each individual case.

Commission:

The motion of the attorney for the applicant will be en-
tertained and the decree of the Court of Claims filed in the case
of Mariah Hayden will be made a part of the record by reference in
all the cases above named with the exception of those which come
within the provisions of the temporary injunction recently granted
by Judge Gill of the United States Court, of the Northern District,
Indian Territory.

Mr. Smith:

The applicant further moves that as to the above named
cases including the Mariah Hayden case that counsel for the appli-
cants be allowed within thirty days to file any of the proof of any
or all of the record other than the decree already referred to.

In the case of Moses Whitmire, trustee, vs Cherokee Nation, on file in the Court of Claims to the counsel of the Cherokee Nation if it is desired to do so.

W. W. Hastings:

The Cherokee Nation certainly most strenuously objects to the allowance of this permission or to the granting of this request for the reason that most of these applicants have had more than a year in which to file all of their testimony that they desired to file to make out their case before the Commission and that notice was given them all by agreement in March last, that the cases would be closed so far as testimony was concerned by the special permission of the firm of attorneys representing these applicants, on the 31st day of May, 1902, and that this being the 31st day of May, 1902, we say that under the rulings of the Commission, that under the agreement between the attorneys, that the testimony in all these cases is to close and should be closed by the Commission, and that no extension should be granted in any case and no case re-opened unless there is some special and particular reason shown either by the Cherokee Nation on the one side or the applicant on the other why an extension of time is necessary or desired.

The Commission:

The law provides that the roll of Cherokee freedmen shall be made in strict compliance with the decree of the Court of Claims rendered the 3rd day of February, 1896, and as the Commission must take judicial notice of the judgment roll of said Court in the proceedings referred to the motion of attorneys for applicants for additional time to file certified copies of the proceedings of the said Court is denied.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings in the above case and that the foregoing is a true and correct transcript of his stenographic notes thereof.

(Signed) A. G. Rothberger.

Subscribed and sworn to before me this 14th day of June, 1902.

(SEAL)

(Signed) F. G. Reuter,
Notary Public.

I, E. C. Bagwell, a stenographer to the Commission to the Five Civilized Tribes, on oath state that the above and foregoing is a true and perfect copy of the original testimony in the above entitled cause as filed with the Commission, which copy was made by me.

E. C. Bagwell

Subscribed and sworn to before me this July 29, 1902.

F. G. Reuter
Notary Public.

20

D 474

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED
JUN 17 1901

[Handwritten signature]

ACTING CHAIRMAN

COMMISSIONERS:
HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Nowata, Indian Territory, June 17th, 1901.

Received of the Commission to the Five Civilized Tribes,
in the matter of the application of Jehn J. Rose for enrollment as
a Freedman of the Cherokee Nation, one copy of the original testi-
mony of June 1st, 1901.

M. C. Smith

Attorney for Applicant.

ChCherokee F. #D474.

7.10.77

D.

INDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the with-
in notice on

by delivering a true copy thereof on the
..... day of A. D. 190...

Given under my hand this.....
day of..... A. D. 190...

.....
Marshal for the Cherokee Nation.

I, the undersigned attorney for the
within named applicant, hereby accept
service of the within notice on this the

..... day of **SEP 23 1901**, 190...
William S. Smith
Attorney for applicant.

UNITED STATES OF AMERICA, }
INDIAN TERRITORY, } S. S.
NORTHERN DISTRICT. }

I do solemnly swear that I delivered a
true copy of the within notice to

.....
on the day of A. D. 190...

Subscribed and sworn to before me
this

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
SEP 24 1901

[Signature]
ACTING CHAIRMAN

NOTICE!

IN THE MATTER OF the application of John J. Rose
for enrollment as Cherokee citizens:
Case No. D 474

To John J. Rose or Mellette & Smith his Attys.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee citizen at the office of the United States Commission to the Five Civilized Tribes in the town of Vinita Indian Territory, on Oct. 23d 1901 at 8 o'clock A. M. or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee citizens.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this Sept. 21st 1901.

J. Bell
N. W. Hastings
Attorneys for the Cherokee Nation.

F. D. *474*

INDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the with-
in notice on.....

by delivering a true copy thereof on the
.....day of..... A. D. 190....

Given under my hand this.....
day of..... A. D. 190....

Marshal for the Cherokee Nation.

I, the undersigned attorney for the
within named applicant, hereby accept
service of the within notice on this the

11 day of *April*, 190....

W. H. Jones
Attorney for applicant.

UNITED STATES OF AMERICA, }
INDIAN TERRITORY, } s. s.
NORTHERN DISTRICT.

I do solemnly swear that I delivered a
true copy of the within notice to.....

on the.....day of..... A. D. 190....

Subscribed and sworn to before me
this.....

W. H. Jones
Notary Public.

COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
APR 11 1902

W. H. Jones
ACTING CHAIRMAN.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
APR 11 1902

W. H. Jones
ACTING CHAIRMAN.

NOTICE!

IN THE MATTER OF the application of John J. Rose,
for enrollment as Cherokee Freedmen:

Case No. F. D. 474

To John J. Rose, or Mellette C. Smith, his attorneys:

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman at the office of the United States Commission to the Five Civilized Tribes in the town of Muskogee, T. T. Indian Territory, on April 11, 1902, at 8 o'clock A. M. or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this April 10, 1902.

L. B. Bell

N. W. Hastings
Jas. Davenport
Attorneys for the Cherokee Nation.

COPY.

P D 474

Muskogee, Indian Territory, January 13, 1904.

W. W. Hastings,

Attorney for the Cherokee Nation,
Tahlequah, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the testimony in Cherokee Freedman #876, Harry Still, to be filed with your records in Cherokee Freedman D 474, Robert Rose, et al., same having been made a part of the record in that case.

Respectfully,

Tame Sixty

Encl. V-17.

Chairman.

COPY

Cherokee Freedmen
D-4741

Muskogee, Indian Territory, March 22, 1904.

John J. Rose,

Lenapeh, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 11, 1904, rejecting, among others, your application for the enrollment of your two minor children, Robert and James Rose, as Cherokee freedmen. There has this day been forwarded to your attorney, Edgar Smith, Vinita, Indian Territory, a copy of the record of proceedings, together with a copy of the Commission's decision.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Register

Enc. D-11.

Commissioner in Charge.

COPY

Cherokee Freedmen
D- 474 et al.

Wichita, Indian Territory, March 22, 1906.

W. W. Hastings,

Attorney for Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 21, 1906, in the consolidated case of Robert Ross et al., respecting the applications for the enrollment of Robert and James Ross, Jane, Chester, Frank, Bertha, Catherine, Curtis and Melvina Smith, Emily Solon, Jessie Ross, Pearl Smith, Matilda Smith, Mary Blackburn, Jeff Dickson, Charles Ross, James, Myrtle, Mahla, Minnie, Walter J., Ernestine and Pearl L. Gilbert, Geneva Lynch, John Leeway, Fred Lynch, William and Daisy Ross, Gert, Clarence, David, Charles and Helen Morris as Cherokee freedmen.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

J. C. Neffles

Enc. D-24.

Commissioner in Charge.

Cherokee Freedmen
D-474 et al.

Muskogee, Indian Territory, March 22, 1904.

Right Smith,

Attorney for Robert Ross et al.,

Vinita, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the record of proceedings had in the consolidated case of Robert Ross et al., together with a copy of the Commission's decision, dated March 21, 1904, rejecting the applications for the enrollment of Robert and James Ross, Jane, Chester, Frank, Martha, Catherine, Curtis and Melvold Smith, Billy Nelson, Jessie Ross, Pearl Smith, Matilda Smith, Mary Blackburn, Jeff Dickson, Charles Ross, James, Myrtle, Noble, Minnie, Walter J., Ernestine and Pearl L. Galtart, Geneva Lynch, John Leary, Fred Lynch, William and Daisy Ross, Elmer Ross, Cora, Clarence, David, Charles and Helen Harris as Cherokee Freedmen.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Register.

Commissioner in Charge.

Cherokee Freedmen
D-674 et al.

Washoe, Indian Territory, March 23, 1904.

The Honorable

The Secretary of the Interior,

Sir:

There is herewith transmitted therewith of proceedings had in the consolidated case of Robert Ross et al., including the Commission's decision, dated March 11, 1904, rejecting the applications for the enrollment of Robert and James Ross, Jane, Chester, Frank, Bertha, Catherine, Curtis and Melvella Smith, Emily Nelson, Jessie Ross, Pearl Smith, Matilda Smith, Mary Blackburn, Jeff Dickson, Charles Ross, James, Myrtle, Mahle, Minnie, Walter J., Ernestine and Pearl L. Gilbert, Geneva Lynch, John Leoney, Fred Lynch, William and Daisy Ross, Elvira Smith, Gera, Clarence, David, Charles and Helen Morris as Cherokee freedmen.

Respectfully,

T. H. Needles

Through the
Commissioner of Indian Affairs.

Commissioner in Charge.

Enc. D-23.

(C O P Y)

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,

WASHINGTON, October 18, 1904.

Refer in reply
to the following:

Land.

20182-1904.

71324-1904.

The Honorable,

The Secretary of the Interior.

Sir:

I enclose herewith, a report from the Commission to the Five Civilized Tribes, dated March 22, 1904, transmitting the record of the consolidated applications for enrollment as Cherokee freedmen by John J. Rose for his minor children, Robert and James Esse; by Charles O. Smith for his wife, Jane, and minor children, Chester, Frank, Bertha, Catherine, Curtis and Melvale Smith; by Emily Nolan for herself and her minor child, Jessie Rose; by Pearl Smith for himself; by Matilda Smith for herself; by Mary Blackburn for herself and minor child, Jeff Bickson; by Charles Rose for himself; by James Colbert for himself and minor children, Myrtle, Mable, Minnie, Walter J., Earnestine and Pearl L. Colbert; by Genevra Lynch for herself and her minor children, John Looney and Prue Lynch; by William Rose for himself; by William Rose for his minor child, Daisy Rose; by Elvira Smith for herself, and by Cora Morris for herself and minor children, Clarence, David, Charles and Helen Morris.

March 11, 1904, the Commission decided adversely to all the applicants.

The evidence shows that Jane Smith, Emily Nolen, formerly Rose, and James Colbert are the adult children of Matilda Colbert (formerly Dannerberg), deceased; that they were the slaves of Cherokee citizens at the beginning of the war of the rebellion and that they went to Kansas during said war. It is shown by evidence on behalf of the applicants that Jane Smith, Emily Nolen and James Colbert returned to the Cherokee Nation with Mariah Hayden after the war; that the Commission has decided that the said Mariah Hayden did not return to and take up her residence in the Cherokee Nation until after 1875, which decision was approved by the Department on November 28, 1902 (L. T. D. 5985, 6242-1902).

It further appears that all the other applicants were born since 1866; that they are the descendants of, and claim right to enrollment through said Emily Nolen, Jane Smith or James Colbert and have no other rights except as such descendants.

The older applicants are identified on the Kern-Clifton and Wallace rolls, but none is identified on the 1890 authenticated Cherokee roll.

A brief (71324-1904), has been filed in the applicant's behalf, and the same has been carefully considered.

In view of the record the approval of the Commission's decision adverse to the applicants is recommended.

Very respectfully,

A. C. Tonner

Acting Commissioner.

H.M.M.

W.

(COPY)

DEPARTMENT OF THE INTERIOR,

W. C. F.
Y. P.
FHE

D. C. 47303-1904.

WASHINGTON, December 3, 1904.

I. T. D. 10738-1904.

IRS

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

March 22, 1904, you transmitted the record in the consolidated Cherokee freedman case of Robert Rose, et al. (F. D. 474 et al), including your decision of March 11, 1904, which was adverse to the applicants.

Reporting in the matter October 18, 1904, the Acting Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

Due consideration has been given to a brief filed by the attorney for the applicants in the case.

The Department concurs in the Acting Commissioner's recommendation, and your decision is hereby affirmed.

Respectfully,

(Signed) Thos Ryan

Acting Secretary.

1 inclosure.

COPY.

Cherokee Freedmen
D-474, et al.

Muskogee, Indian Territory, December 14, 1904.

Eagar Smith,

Attorney for Robert Rose, et al.,

Vinita, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated March 11, 1904, rejecting the applications for the enrollment of Robert, James, Jennie, Charles, William and Daisy Rose; Jane, Chester, Frank, Bertha, Catherine, Curtis, Melvola, Pearl, Matilda and Elvora Smith; Emily Wolen; Mary Blackburn; Jeff Dickson; James, Myrtle, Mable, Minnie, Walter J., Brainerd and Pearl L. Gilbert; Geneva and Prue Lynch; John Leoney, and Cora, Clarence, David, Charles and Helen Morris, as Cherokee freedmen, was affirmed by the Secretary of the Interior on December 8, 1904.

Respectfully,

(SIGNED) *Tams Bixby.*
Chairman.

COPY.

Cherokee Freedmen
D-474, et al.

Muskogee, Indian Territory, December 14, 1904.

Bell, Hastings & Davenport,
Attorneys for the Cherokee Nation,
Vinita, Indian Territory.

Gentlemen:

You are hereby advised that the Commission's decision dated March 11, 1904, rejecting the applications for the enrollment of Robert, James, Jessie, Charles, William and Daisy Rose; Jane, Chester, Frank, Bertha, Catherine, Curtis, Melvella, Pearl, Matilda and Elvora Smith; Emily Wolen; Mary Blackburn; Jeff Dickson; James, Myrtle, Wable, Minnie, Walter J., Earnest and Pearl E. Colbert; Geneva and Prue Lynch; John Looney, and Cora, Clarence, David, Charles and Helen Morris, as Cherokee freedmen, was affirmed by the Secretary of the Interior on December 3, 1904.

Respectfully,

(SIGNED) *Tams Dixey.*
Chairman.

COPY.

Cherokee Freedmen
D-474.

Muskogee, Indian Territory, December 14, 1904.

John J. Rose,

Lenapah, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated March 11, 1904, rejecting, among others, the application for the enrollment of your minor children, Robert and James Rose, as Cherokee freedmen, was affirmed by the Secretary of the Interior on December 3, 1904.

Respectfully,

(SIGNED) *Tamm Dixby*
Chairman.

COPY

Cherokee Freedman
D-674.

Muskogee, Indian Territory, January 24, 1905.

John J. Rose,

Lenapeah, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated January 19, 1905, rejecting, among others, the application for your enrollment as a Cherokee freedman by intermarriage. A copy of the Commission's decision has this day been forwarded to your attorney, Edgar Smith, Vinita, Indian Territory.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Encl. L-53.

Register.

(SIGN)

Tams Bixby.

Chairman.

COPY.

Charles Treadwell
and of the

Mustang, Indian Territory, January 24, 1906.

The Honorable

The Secretary of the Interior.

Sir:

There is herewith transmitted report of proceedings had in the matter of the applications for the enrollment of, William Davis, Henry Thomas, Ella Vane, Mary Harrison, Emma Melton, John Jackson, Mary Jane Vane, Thomas Love, John Davidson, Salie Hight, Nathan Campbell, Van Jackson Lathrop, Emma Hildner, Mary Hattie, Salie Vickie, John Hilde, William S. Hilde, Sam Deas, Albert F. Thomas, Harry Campbell, Emma Hilde, Nelson Alberry, Sam Harris, Alexander Claggett, Emma Hilde, John Hilde, John E. Barnes, Bill Davis, Samuel Brown, Emma E. Hilde, Jack McCumby, Emma Hilde, George Hilde, Mr. Sam Lathrop, Bill Thompson, John Scott, Sam Scott, Emma Hilde, Emma E. Hilde, Lewis Vanhook, John E. Hilde, Katie Davis, Emma Hilde, John J. Ross, John Hilde, Emma Peterson, John Hilde, Emma Hilde, John Hilde, Mary Hilde, Charles C. Hilde, Emma Hilde, William Hilde, Emma Hilde, Alfred P. Hilde, Emma Hilde, Fredrick Lathrop, Emma Hilde, Alice Hilde, Emma Hilde, Sam D. Hilde, Emma Hilde, Emma Hilde, Emma Hilde, Mary Hilde,

Frances Martin, Mary Bailey, Samuel Taylor, Henry Wilson, Lillian P. Howell, Stephen Dawn, Malinda Vann, Barbara Johnson, Annie Hunter, Mary H. Rogers, George Washington Lane, Faye Brown, Samuel L. Young, John Buckner, Willie Cox, Leonard Howles, William Maxwell, Charles Claggett, Samuel Irven, Mary Ross, Maggie Ross, Emma Ross, Ella Ross, Elizabeth Johnson, Sadie Adams, Georgiana Hunter, John Claggett, Mattie Smith, Jack Jackson, Lula Sanders, George Hawkins, Lizzie West, Maria French, Mary Johnson, Maggie Vann, William Nelson, Susan Rogers, Abraham Ballard, Laura David, John Buckner, Emma H. Perry, Isaac Welch, Lawson Lagan, George Howell, Henry Hunter, George Adams, Annie Thomas, Lewis McConnell, Callie Vann, Lee Pollock, Ada Adair, Robert Brown, Allie Chambers, Emma Jones, Alice Hunter, Katie Adair, Carrie Martin, Berneice Clark, Betty Brown, John Groves, Mattie Adair, Bettie Vann, Helen Lett, Fannie Rogers, William Washington, Equire Warren Green, Fannie Gentry, Susan Daniels, Anderson Turk, David Lane, Fella McCall, Robinson Jones, Belle Vann, Levi Stroud, John Hunter, Martha Thompson, Ellen Sheppard and Lulu Holton, as Cherokee citizens by intermarriage, including the Commission's decision dated January 19, 1906, rejecting said applications.

Respectfully,

(SIGNED) *Tams Bixby.*
Chairman.

Incl. K-6.
Through the
Commissioner of Indian Affairs.

COPY:

Cherokee Freedmen
D-14 et al.

Muskogee, Indian Territory, January 24, 1905.

Bell, Hastings & Sweetser,
Attorneys for the Cherokee Nation,
Muskogee, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated January 19, 1904, rejecting the applications for the enrollment of, William Davis, Henry Thomas, Ella Vann, Mary Markham, Frances Helton, John Detson, Mary Jane Vann, Thomas Lowe, Ella Mayfield, Nellie Rider, Heuben Campbell, Van Jackson Luther, Oogie Middleton, Mary Earlin, Nellie Fields, John Kline, William E. Hadden, Jane Bean, Albert T. Thomas, Mary Campbell, Caroline Jenkins, Malvina Alberty, Dave Morris, Alexander Stewart, Annie Martin, Eliza Martin, John E. Barnes, Bell Jette, Samuel Brown, Edward F. Watson, Jack McConnell, Maude Hanley, George Reed, Jr., Paul Hansen, Bell Thompson, Louis Scott, Abe Scott, Kendra Dampson, Thomas E. Allen, Lewis Vanderford, John T. Rowlin, Katie Davis, Charles Williams, John J. Ross, Jane Martin, Lena Petersen, Alex Johnson, Martha Vann, John Scott, Nancy Pace, Charles E. Smith, Susie Gilbert, William Skaggs, Susie Johnson, Alfred P. Hopkins, Elsie Vann, Freddie Lerney, Lucy

Chester, Alice Jurest, Mahaley Ward, Fred D. Thomas, Bettie Smith,
Ellie Warren, Willie Robinson, Fary Walker, Frances Martin, Mary
Milay, Emanuel Taylor, Henry Sykes, Lottie P. Powell, Stephen Lee,
Malinda Vann, Frances Johnson, Annie Foster, Mary H. Rogers,
George Washington Lane, Jane Kross, Samuel L. Young, John Buckner,
Willie Cox, Leonard Bowles, Malinda Maxwell, Charles Claggett,
Samuel Irvin, Mary Ross, Maggie Ross, Emma Ross, Ella Ross,
Elizabeth Brown, Belle Adams, Georgiana Rogers, John Claggett,
Bettie Smith, Jack Jackson, Lela Anderson, George Anderson, Lillian
West, Emma Venable, Mary Anderson, Maggie Vann, William Nelson,
Frank Rogers, Abraham Ballard, Laura Smith, John Ballard, Mary
A. Perry, Isaac Welch, Landon Logan, George Powell, Henry Smith,
George Adams, Emma Brown, Lela Robinson, Lillian Vann, Len
Robert, Ella Blair, Robert Brown, Ella Chambers, Emma Brown,
Aline Quaker, Katie Blair, Carrie Martin, Elizabeth Clark, Emily
Lester, John Groves, Mattie Smith, Lillian Vann, William Lane,
Fannie Rogers, William Washington, George Walter Brown, Fannie
Goldie, Susan Daniels, Anderson Turk, David Lane, Fella McCloud,
Anderson Jones, Belle Vann, Levi Brown, John Rogers, Mattie
Anderson, Ellen Claggett and Lela Nelson, as witnesses
by interrogatory.

The affidavit, together with the record of proceedings
had in the case, has this day been transmitted to the Secretary
of the Interior for his review and decision. The action of the

RECEIVED THE OFFICE OF THE SECRETARY OF THE ARMY
WASHINGTON, D. C.

RECEIVED

SIGNED: Tama Dixby

1918-1-10

COPY.

Charles Freeman
D-202 et al.

Medicine, Indian Territory, January 21, 1904.

Major Smith,

Attorney for Jane Dean et al.,

Viola, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated January 19, 1904, rejecting, among others, the applications for the enrollment of Jane Dean, Albert E. Thomas, Edwin Liberty, Alexander Bennett, Amanda Martin, Mary Haskley, Katie Davis, Charles Williams, John J. Rose, Alex Johnson, Charles C. Smith, Marie Solbert, William Rogers, Sue Johnson, Alfred F. Hopkins, Kinzie Vann, Freddie Locamy, Isaac Chuteau, Mahaley Vard, Willie Robinson, Frances Martin, Mary Riley, Samuel Irven, Katie Adams, Georgeann Archer, John Langston, Katie Smith, Jack Johnson, Ida Adair, Robert Brown, Isaac Dean, Alice Carter, Katie Adair, Susan Daniels, and Levi Street as Cherokee citizens by intermarriage.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

SIGNED: *James Bixby*
Chairman.

Encl. 1-122.
Register.

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,

WASHINGTON, March 20, 1908.

Refer in reply
to the following:
Land.
7908-1908.

The Honorable,

The Secretary of the Interior.

Sir:

I enclose a report from the Commission to the Five Civilized Tribes, dated January 28, 1908, transmitting the record of the application for enrollment as Cherokee citizens by intermarriage to Cherokee freedmen by William Davis, Henry Thomas, Ella Vann, Mary Markham, Frances Melton, John Deaton, Mary Jane Vann, Thomas Lewis, Ella Hayfield, Nellie Rider, Nathan Campbell, Van Jackson Luther, Cassie Middleton, Mary Martin, Nellie Piles, John Kimo, William S. Hadden, Jane Bean, Albert T. Thomas, Mary Campbell, Caroline Henials, Malvina Alberty, Dave Harris, Alexander Claggett, Amanda Martin Eliza Martin, John E. Harrell, Bell Davis, Samuel Brown, Howard F. Watson, Jack McConnell, Wanda Manley, George Reed, Sr., Buck Lehman, Bell Thompson, Louis Scott, Abe Scott, Kenter Lupton, Thomas H. Allen, Louis Vanderford, John L. Bowlin, Katie Davis, Charles Williams, John J. Rose, Jane Martin, Lena Peterson, Alex Johnson, Martha Vann, John Scott, Nancy Rose, Charles C. Smith, Susie Gilbert, William Stoggs, Susie Johnson, Alfred P. Hopkins, Elvira Vann, Freddie Leoney, Lucy Cheateau,

Alice Durant, Mahaley Ward, Fred D. Thomas, Bettie Beck, Ellis Warren, Willie Robinson, Mary Webber, Frances Martin, Mary Riley, Emanuel Taylor, Henry Sykes, Larkin P. Powell, Stephen Dunn, Malinda Vann, Frances Johnson, Annie Foster, Mary H. Rogers, George Washington Lane, Jane Brown, Samuel L. Young, John Buckner, Willis Cox, Leonard Howles, Malinda Murrell, Charles Claggett, Samuel Irvon, Mary Ross, Maggie Hays, Neema Hays, Ella Ross, Elisabeth Dumas, Sadie Adams, Georgeann Archer, John Claggett, Mattie Smith, Jack Jackson, Lula Sanders, George Hamsbrig, Lizzie West, Maria French, Mary Johnson, Maggie Vann, William Wilson, Sarah Rogers, Abraham Ballard, Laura David, John Beckman, James B. Perry, Isaac Welch, Lawson Logan, George Howell, Henry Nasir, George Adams, Annie Thomas, Lewis McConnell, Callie Vann, Lou Peters, Ida Mair, Robert Brown, Allie Chambers, Isaac Jones, Alice Gunter, Katie Mair, Carrie Martin, Benjamin Clark, Emily Looney, John Greves, Matilda McHair, Bettie Vann, Nelson Lett, Fannie Rogers, William Washington, Squire Warren Owens, Fannie Solisby, Susan Daniels, Anderson Turk, David Lane, Felix McClain, Henderson Jones, Belle Vann, Levi Stread, John Sumpter, Mariah Thompson, Ellen Sheppard, and Lula Malton.

January 19, 1906, the Commission decided adversely to all the applicants.

The record shows that none of the applicants makes claim to enrollment as citizens of the Cherokee Nation, except by intermarriage with a Cherokee Freedman; that none has ever been enrolled or admitted to citizenship by any tribal authority of the

Shirley Nelson et al. are United States citizens and that same is identified on the 1940 authenticated Sherrill roll.

In view of the record and of the ruling of the Department of November 12, 1904 (K. T. No. 2045-1904) in the Russell Wilson case, the approval of the Commission's decision adverse to all the applicants is recommended.

Very respectfully,

E. T. Larrabee

Acting Commissioner.

H.M.N.

V.

V. C. R.
HHR.

DEPARTMENT OF THE INTERIOR,

D. C. 20077-1908.
I. T. S. 2004-1909.

WASHINGTON, April 27, 1906.

I. R. N.

Commission to the Five Civilized Tribes,
Muskogean, Indian Territory.

Gentlemen:

January 26, 1906, you transmitted the report to the
writer of the applications for the enrollment of the following
persons as citizens by intermarriage of the Cherokee Nation,
including your decision of January 19, 1906, rejecting said
applications, viz:

William Davis, Henry Thomas, Ella Vann, Mary Durham,
Frances Holton, John Dotson, Mary Jane Vann, Thomas Lowe,
Ella Mayfield, Willie Elder, Nathan Campbell, Van Jackson Luther,
Gessie Middleton, Mary Eakin, Willie Nichols, John Hinde,
William S. Madison, Jane Ross, Albert T. Thomas, Mary Campbell,
Caroline Daniels, Melvina Liberty, Eva Morris, Alexander Slightfoot,
Annie Martin, Ellen Martin, John E. Barren, Bell Davis, Samuel
Brew, Edward F. Watson, Jack McDaniel, Emma Hickey, George
Reed, Sr., Jack Ledman, Bell Thompson, Louis Scott, Joe Scott,
Kander Lupton, Thomas H. Allen, Lewis Vanderford, John L. Davis,
Eddie Davis, Charles Williams, John F. Ross, Jane Martin, Lena

Peterson, Alex Johnson, Martha Vann, John Scott, Nancy Ross,
Charles C. Smith, Susie Gilbert, William Shaggs, Susie Johnson,
Alfred P. Hopkins, Elsie Vann, Freddie Looney, Lucy Chouteau,
Alice Durant, Mahaley Ward, Fred D. Thomas, Bettie Beck, Ellis
Warren, Millie Robinson, Mary Webber, Frances Martin, Mary Wiley,
Emmanuel Taylor, Henry Sykes, Larkin P. Powell, Stepheny Dean,
Malinda Vann, Frances Johnson, Annie Foster, Mary K. Rogers, George
Washington Lane, Jane Brown, Samuel L. Young, John Buckner, Willis
Cox, Leonard Bowles, Malinda Murrell, Charles Claggett, Samuel
Irven, Mary Ross, Maggie Hays, Neema Hays, Ella Ross, Elizabeth
Duncan, Sadie Adams, Georgeann Archer, John Claggett, Mattie Smith,
Jack Jackson, Lula Sanders, George Henselrig, Lizzie West, Maria
French, Mary Johnson, Maggie Vann, William Nelson, Sarah Rogers,
Abraham Ballard, Laura David, John Deckman, James E. Perry, Isaac
Welch, Lawson Logan, George Howell, Henry Masir, George Adams,
Annie Thomas, Lewis McConnell, Callie Vann, Len Peters, Ida Adair,
Robert Brown, Allie Chambers, Isaac Jones, Alice Gunter, Katie
Adair, Carrie Martin, Benjamin Clark, Emily Looney, John Groves,
Matilda McNair, Bettie Vann, Nelson Lett, Fannie Rogers, William
Washington, Squire Warren Swans, Fannie Galdsby, Susan Daniels,
Anderson Turk, David Lane, Felix McClain, Henderson Jones, Belle
Vann, Levi Stroud, John Sumpter, Mariah Thompson, Ellen Sheppard and
Lula Melton.

-3-

Reporting in the matter March 21, 1908, the Indian Office recommends that your decision be approved. A copy of its letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

Respectfully,

(Signed) Theo. Ryan

Acting Secretary.

1 inclosure.

COPY.

Cherokee Freedmen

D-12, et al.

Wetmore, Indian Territory, April 22, 1903.

Commissioner in Charge,

Cherokee Land Office,

Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated January 19, 1903, rejecting the applications for the enrollment of William Davis, et al., as Cherokee citizens by intermarriage, was affirmed by the Secretary of the Interior on April 17, 1903.

Respectfully,

(SIGNED). *Tarns Bixby.*
Chairman.

COPY.

Cherokee Freedmen

D-474.

Muskogee, Indian Territory, April 28, 1905.

John J. Rose,

Lenapah, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated January 12, 1905, rejecting your application for enrollment as a Cherokee citizen by intermarriage, was affirmed by the Secretary of the Interior on April 17, 1905.

Respectfully,

(SIGNED)

Tamie Bixby.
Chairman.

COPY.

Cherokee Freedmen

D-474.

Muskogee, Indian Territory, April 28, 1905.

W. J. Sullivan,

Attorney for John J. Rose,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated January 19, 1905, rejecting the application for the enrollment of John J. Rose as a Cherokee citizen by intermarriage, was affirmed by the Secretary of the Interior on April 17, 1905.

Respectfully,

SIGNED

Tams Bixby.
Chairman.

COPY.

Shoshone Freedmen

B-14, et al.

Manhogan, Indian Territory, April 28, 1908

Bell, Hastings & Newcomb

Attorneys for the Shoshone Nation.

Manhogan, Indian Territory.

Gentlemen:

You are hereby advised that the Commission's decision dated January 16, 1908, rejecting the applications for the enrollment of William Davis, et al., as Shoshone citizens by intermarriage, was affirmed by the Secretary of the Interior on April 17, 1908.

Respectfully,

SIGNED. *Tame Bixby.*
Chairman

(COPY)

DEPARTMENT OF THE INTERIOR

OFFICE OF INDIAN AFFAIRS
WASHINGTON.

Land.
25430-1906.

March 28, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to invite your attention to the enclosed letter of the 19th instant from William O. Beall, Acting Commissioner to the Five Civilized Tribes, wherein he says that his office is in receipt by Departmental reference of March 10, 1906 (I.T.D. 2553-1906), for report and recommendation thereon, of two letters from Jane Smith of Lenapah, Indian Territory, dated February 26, 1906, one addressed to the President, and the other to the Hon. Thomas Ryan, Assistant Secretary, concerning the status of the citizenship and allotment selections in the Cherokee Nation of Billy Helon, Jane Smith and James Colbert.

In her letter Jane Smith says that, "People are filing on our lands, selling and leasing to Oil Co., and the Lenapah Oil & Gas Co. are now operating an oil well on our lands," and that they have been to the Commission to the Five Civilized Tribes and the Indian Agent for protection. She asks to be advised if the persons named will be allowed to file contest on their land, and if it is "in your power to protect us or to stop this Lenapah Oil & Gas Co." She also

says that, "Our cases are yet pending and people are coming in and taking possession and going to work operating oil wells."

Reporting, Mr. Beall says that the records of the Commissioner's office show that applications were made to the Commission to the Five Civilized Tribes for the enrollment of Jane Smith and James Colbert and Emily Nolen (Nolen) as Cherokee freedmen; that their applications were embraced in the consolidated applications for the enrollment as Cherokee freedmen of Robert Ross, et al., in which the Commission, on March 11, 1904, decided adversely to all the applicants; and that on December 3, 1904, the Commission's decision was duly affirmed by the Department.

He also says that the land which these persons claim is not described and he is therefore unable to report on its status. The records of his Office do not show that Jane Smith and Emily Nolen have ever applied for land as their allotments in the Cherokee Nation. The records of the Commissioner do show, however, that on December 24, 1904, before the Cherokee land office of the Commission was notified of the Departmental action in the case, James Colbert appeared before that office and made application, with a view to instituting contest proceedings therefor, for the SW/4 of the NE/4 of the SW/4, and the W/2 of the SE/4 of the SW/4 of Section 18, Township 27 North, Range 15 East of the Indian Meridian, which land had theretofore been selected as a part of the allotment for Jennet Bowles, and the E/2 of the SE/4 of the SW/4, same Section, Township and Range, which had theretofore been selected as a part of

the allotment for Feggie Sanders; on behalf of his minor child, Myrtle Colbert, Lot 3 of Section 18, Township 27 North, Range 15 East, and the NE/4 of the SE/4 of Section 13, Township 27 North, Range 14 East, which had theretofore been selected as a part of the allotment for Eliza Ratcliff; on behalf of his minor child, Habel Colbert, the E/2 of the NE/4 of the SW/4, and the SE/4 of the NE/4 of the SW/4 of Section 18, Township 27 North, Range 15 East, theretofore selected as a part of the allotment of Jennet Bowles; the E/2 of the SE/4 of the SE/4 of Section 13, Township 27 North, Range 14 East, theretofore selected as a part of the allotment for Joe Waterdown, and the E/2 of the NW/4 of the SE/4, and the NW/4 of the NW/4 of the SE/4 of Section 18, Township 27 North, Range 15 East, theretofore selected as a part of the allotment for Geneva Wofford, and on behalf of his minor child, Minnie Colbert, the West 18.47 acres and the East 20 acres of Lot 2, Section 18, Township 27 North, Range 15 East, theretofore selected as a part of the allotment for Ella Ratcliff and the SW/4 of the SE/4 of the SW/4, and the E/2 of the SE/4 of the SW/4 of Section 13, Township 27 North, Range 14 East, theretofore selected as a part of the allotment for Ahnawake Waterdown.

Mr. Beall adds that the records of the Commissioner further show that on January 16, 1905, the application made by James Colbert for the land above described was cancelled and the land regularly allotted to the respective parties named, and certificates therefor have been issued; that the records of the Commissioner's office fail to show that any motion has been

filed for review or rehearing in these cases, and in the absence of anything to the contrary, it does not appear that Jane Smith, Emily Nolen or James Colbert have any claim to land in the Cherokee Nation.

In view of the report of the Acting Commissioner, I recommend that Jane Smith be advised that since she and the other persons in behalf of whom she writes are not recognized citizens of the Cherokee Nation, that they have no rights to Cherokee lands and cannot be protected in their occupancy of such lands.

Very respectfully,

C. F. Larrabee

Acting Commissioner.

EBH-Y.

(C O P Y)

D.C. 12169-1906

I.T.D. 2852-1905 DEPARTMENT OF THE INTERIOR

3515 -1906

J.S.Jr.
LLB

WASHINGTON

L R S

March 30, 1906

Commissioner to the Five Civilized Tribes
Muskogee, Indian Territory.

Sir:

There is inclosed herewith for your consideration a letter dated March 23, 1906, from W. J. Sullivan, attorney at law, Muskogee, Ind. T., in reference to the filing of a "motion to reopen" in the Cherokee freedman case of Robert Rose et al.

The records of this office show that a motion to reopen the case was transmitted to the Department by the Indian Office on March 20, 1905.

You will take proper action to protect the applicant in such rights as he may have in the premises.

Respectfully,

(Signed)

THOS RYAN
Acting Secretary.

Through the Commissioner
of Indian Affairs

1 inclosure

Y.P.

DEPARTMENT OF THE INTERIOR,

WASHINGTON.

PHE.

D.C. 12735-1906.
I.T.D. 2852-1905.
5194-1906.

April 4, 1906.

LRS

The Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

The Department is in receipt of the Acting Commissioner's letter of March 19, 1906, relative to two letters from Jane Smith concerning the status of the citizenship and allotment selections in the Cherokee nation of Emily Nolan, Jane Smith and James Colbert.

On March 30, 1906, you were advised of the filing of a motion to reopen the Cherokee enrollment case of Robert Rose, et al, with which were consolidated the cases of the parties above mentioned, and you were directed to take proper action to protect the applicants in such rights as they might have.

✓ You will immediately advise all the principal applicants that they are at liberty to file contest, under the rules governing your office in similar cases, to protect their rights to any lands they may claim they would be entitled to in case a decision by the Department is rendered in their favor in the pending citizenship case. ✕ Advise W. J. Sullivan, of Muskogee, the party who filed the motion to reopen, hereof, and advise any adverse claimants, promptly, of the filing of any application to

contest, and also the U. S. Indian Agent, Union Agency, in order that he may be fully informed in the case of any matter coming before him involving the land.

A copy of Indian Office letter of March 28, 1906, submitting the Acting Commissioner's report, is inclosed.

Respectfully,

Thos. Ryan.

First Assistant Secretary.

1 inclosure.

Through the Commissioner
of Indian Affairs.

Cherokee Freedmen

D-474.

Muskogee, Indian Territory, April 7, 1906.

W. J. Sullivan,

Muskogee, Indian Territory.

Dear Sir:

This office is in receipt, by reference of the Secretary of the Interior, of your letter of March 23, 1906, referring to a motion which you state you filed on March 6, 1905, to reopen the Cherokee freedmen enrollment case of Robert Rose, et al. You state that certain land in the Cherokee Nation, on which the applicant has improvements and which he has claimed as his prospective allotment in the Cherokee Nation, has been selected in allotment by other citizens and the same has been sold to the Leucopah Oil and Gas Company, who are now in possession of same, and that your client desires to institute contest proceedings therefor, pending the final adjudication of his case.

In reply you are advised that the Department in its letter to this office of March 30, 1906, inclosing your letter for proper attention, advises that on March 20, 1905, there was transmitted to the Department, by the Indian Office, a motion to reopen the Cherokee freedmen enrollment case of Robert Rose, et al. Your client will be permitted to appear in person before this office and his application to institute contest proceedings,

pending the final determination of his right to enrollment as a Cherokee freedman, will receive due consideration.

For your information, there is inclosed herewith a copy of Departmental letter referred to.

Respectfully,

Incl. 8-14

Acting Commissioner.

Cherokee
F R 636.

Muskeges, Indian Territory, April 11, 1906.

John T. Rose,

Lenapah, Indian Territory.

Dear Sir:

This office is in receipt of Departmental letter of April 4, 1906, referring to its letter of March 30, 1906, advising that a motion to reopen the Cherokee freedmen enrollment case of your minor children had been filed, and instructing this office as follows:

"You will immediately advise all the principal applicants that they are at liberty to file contest, under the rules governing your office in similar cases, to protect their rights to any lands they may claim they would be entitled to in case a decision by the Department is rendered in their favor in the pending citizenship case."

You are, therefore, hereby notified that if any land in the Cherokee Nation on which your children have permanent and valuable improvements, and which you have heretofore held as their prospective allotments in the Cherokee Nation in the event they were enrolled as Cherokee freedmen has been selected in allotment by other citizens of the Cherokee Nation, you will be permitted to appear before the offices of the Commissioner at the earliest practicable date at which time your application to institute contest proceedings therefor will receive due consideration.

Respectfully,

Acting Commissioner.

Cherokee
P R 636 et al.

Waskagee, Indian Territory, April 11, 1906.

W. J. Sullivan,

Attorney for Robert Rose, et al.,

Waskagee, Indian Territory.

Dear Sir:

The Department in its letter to this office of April 4, 1906, referring to its letter of March 30, 1906, in reference to the motion to reopen the Cherokee freedman enrollment case of Robert Rose, et al., instructs as follows:

"You will immediately advise all the principal applicants that they are at liberty to file contest, under the rules governing your office in similar cases, to protect their rights to any lands they may claim they would be entitled to in case a decision by the Department is rendered in their favor in the pending citizenship case."

You are advised that the principal applicants in each of the cases included in the consolidated case of Robert Rose, et al., has this day been notified that if land in the Cherokee Nation, which he has heretofore claimed as the prospective allotments for himself and the members of his family and on which he has permanent and valuable improvements, has been selected in allotment by other citizens of the Cherokee Nation, he will be permitted to appear before the offices of the Commissioner at the earliest practicable date and his ap-

W. J. Sullivan--S.

application to institute contest proceedings therefor will then receive due consideration.

For your information there is inclosed herewith a copy of Departmental letter referred to.

Respectfully,

Incl. GL-10.
GHL

Acting Commissioner.

Cherokee
P R 636 et al.

Muskogee, Indian Territory, April 11, 1906.

Chief Clerk,

Cherokee Land Office.

Dear Sir:

There are inclosed herewith two copies of Departmental letter of April 4, 1906 (I.T.D.2558-1906,2194-1906), in reply to this office letter of March 19, 1906, relative to two letters from Jane Smith concerning the status of the citizenship and allotment selections in the Cherokee Nation of Emily Helen, James Smith, and James Gilbert. The Department refers to its letter to this office of March 30, 1906, advising that a motion has been filed to reopen the Cherokee Freedman case of Robert Ross, et al., and instructs this office to advise all of the principal applicants in said case that they are at liberty to file contest under the rules governing this office in similar cases, to protect whatever rights they may have to any land in the Cherokee Nation.

The Department also directs that W. J. Sullivan of Muskogee, Indian Territory, the party who filed said motion, be advised of the Department's instructions, and also to promptly advise any adverse claimants of the filing of any application to institute contest, and the W. S. Indian Agent, Union Agency, in order that he may be fully informed in the case of any nat-

Chief Clerk--2.

ter coming before him involving the land.

The principal applicants in each of the Cherokee freedmen cases included in the consolidated case of Robert Rose, et al., and W. J. Sullivan of Muskogee, Indian Territory, have this day been advised of the Department's letter and notified if any land in the Cherokee Nation which they have heretofore held as the prospective allotments of themselves and family, should they be enrolled as Cherokee citizens, and on which they have permanent and valuable improvements has been selected in allotment by other citizens of the Cherokee Nation, they will be permitted to appear before the offices of the Commissioner at the earliest practicable date and their applications to institute contest proceedings therefor will receive due consideration.

Respectfully,

Incl. 01-11.
GHL

Acting Commissioner

Montagee, Indian Territory, May 25, 1906

The Honorable,

The Secretary of the Interior.

Sir:

There is enclosed herewith protest of the Cherokee Nation against the filing of an affidavit by David Logan in the Cherokee Freedmen enrollment case of Robert Rose, et al., D 744.

The Department on March 30, 1906 (I.T.D. 3515-1906) advised this office that a motion to reopen this case was transmitted to the Department by the Indian Office on March 20, 1906.

Respectfully,

Through the
Commissioner of Indian Affairs.

LMS

Acting Commissioner

Encl. B- 75

(COPY)

CHW

D.C.
5752-1907
I.T.D. 10730-1904.
2852-1905.
11408-

LES

DEPARTMENT OF THE INTERIOR, LES
WASHINGTON.

January 24, 1907.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

March 21, 1905, the Indian Office transmitted a motion to reopen the Cherokee freedman enrollment case of Robert Rose et al., together with the record in said case.

On December 3, 1904, the Department affirmed the decision of the Commission to the Five Civilized Tribes, adverse to the applicants.

The motion now before the Department and the affidavits filed in support thereof present no new question of law or fact not shown to have been passed upon by the Department. The motion is accordingly denied.

The papers in the matter have been sent to the Indian Office for its files.

Respectfully,

Thos Ryan.

First Assistant Secretary

Through the Commissioner
of Indian Affairs.

20 inclosures to Ind. Off.

Cherokee F
R 636

Muskogee, Indian Territory, February 16, 1907.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the motion for a rehearing in the Cherokee freedmen enrollment case of John J. Rose, et al., filed by their attorneys, Osborn & Sullivan, Coffeyville, Kansas, was denied by the Secretary of the Interior, January 24, 1907.

For your information there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Encl. HJ-85.
HJC

Commissioner.

Cherokee F.
R 636.

Muskogee, Indian Territory, February 16, 1907.

Osborn & Sullivan,

Attorneys for John J. Rose, et al.,
Goffeyville, Kansas.

Gentlemen:

You are hereby advised that the motion for a rehearing in the Cherokee freedmen enrollment case of John J. Rose, et al., filed by you, was denied by the Secretary of the Interior, January 24, 1907.

For your information there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Encl.HJ-86.
HJC

Commissioner.

Cherokee F
R 636

Muskogee, Indian Territory, February 16, 1907.

John J. Rose,

Lenapah, Indian Territory.

Dear Sir:

You are hereby advised that the motion for a rehearing in your Cherokee freedmen enrollment case, filed by your attorneys, Osborn & Sullivan, Coffeyville, Kansas, was denied by the Secretary of the Interior, January 24, 1907.

Respectfully,

HJC

Commissioner.

DEPARTMENT OF THE INTERIOR,

CRV.

D.C.12668-1907.
I.T.D. 2895-1907.

WASHINGTON.

L13

IRS.

March 2, 1907.

Direct.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

The motion for review and reopening the Cherokee freedman case of Robert Ross et al., filed by attorneys for the applicants, is hereby denied, in view of the limited time allowed by the act of April 26, 1906 (34 Stat., 137), for completing the citizenship rolls of the Five Civilized Tribes.

Said motion and a carbon copy hereof have been sent to the Indian Office.

Respectfully,

Jesse E. Wilson,

Assistant Secretary.

1 inc. to Ind. Of.

W.C.F. 3/3/07.

Cherokee Freedmen
D 474 et al

Muskogee, Indian Territory, March 15, 1907

Osborn & Sullivan,
Attorneys for Robert Rose et al.
Coffeyville, Kansas.

Gentlemen:

Receipt is acknowledged of your letter of
February 26, 1907, transmitted with what you state is a copy
of a motion to reopen the Cherokee freedman case of
Robert Rose et al., forwarded to the Secretary of the In-
terior.

Respectfully,

L M B

Commissioner

073

REFER IN REPLY TO THE FOLLOWING:
Cherokee F
R 636.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, April 3, 1907.

Osborn & Sullivan,
Attorneys for Robert Rose, et al.,
Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the motion filed by you for a rehearing of the Cherokee freedman enrollment case of Robert Rose, et al., was denied by the Secretary of the Interior, March 2, 1907.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,



Acting Commissioner.

Encl. C-30
LMC

Charles F.
B. 636.

Muskogee, Indian Territory, April 3, 1907.

Robert Ross,

Lenapah, Indian Territory.

Dear sir:

You are hereby advised that the motion filed by your attorneys for a rehearing of the Cherokee Freedman enrollment case of yourself and others, was denied by the Secretary of the Interior, March 2, 1907.

Respectfully,

LMC

Acting Commissioner.

Cherokee F
636.

Muskogee, Indian Territory, April 3, 1907.

W. W. Hastings,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the motion filed for a rehearing of the Cherokee freedman enrollment case of Robert Ross, et al., was denied by the Secretary of the Interior, March 2, 1907.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Acting Commissioner.

Encl.C-31
LMC

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE VICE CIVILIZED TRIBES.

In the matter of the application of Robert Rose et al.
for enrollment as Cherokee Freedmen, consolidating the applications
of

Robert Rose et al.	- - - - - Cherokee Freedmen D 474,	
Jane Smith et al.	- - - - - Cherokee Freedmen D 514,	647
Emily Nelson et al.	- - - - - Cherokee Freedmen D 511,	648
Pearl Smith	- - - - - Cherokee Freedmen D 515,	648
Matilda Smith	- - - - - Cherokee Freedmen D 516,	649
Mary Blackburn et al.	- - - - - Cherokee Freedmen D 517,	650
Charles Rose	- - - - - Cherokee Freedmen D 518,	651
James Colbert et al.	- - - - - Cherokee Freedmen D 520,	653
Geneva Lynch et al.	- - - - - Cherokee Freedmen D 521,	654
William Rose	- - - - - Cherokee Freedmen D 524,	
Daisy Rose	- - - - - Cherokee Freedmen D 132,	
Minora Smith	- - - - - Cherokee Freedmen D 522,	
Gora Morris et al.	- - - - - Cherokee Freedmen D 523.	

DECISION.

The record herein shows that applications for enrollment, as Cherokee Freedmen, were made to this Commission by John J. Rose, for his minor children, Robert and James Rose; said application also included the said John J. Rose, who claims right to enrollment as a Cherokee Freedman by intermarriage, but the status of persons claiming right to enrollment as Cherokee Freedmen by intermarriage not being fixed at this time, the said John J. Rose is not embraced in this decision; by Charles C. Smith, for his wife, Jane, and minor children, Chester, Frank, Martha, Catherine, Curtis and Xelveta Smith; said application also included the said Charles C. Smith, who claims right to enrollment as a Cherokee Freedman by intermarriage, but the status of persons claiming right to enrollment as Cherokee Freedmen by intermarriage not being fixed at this time, the said Charles C. Smith is not embraced in this decision; by Emily Nelson, for herself and minor child, Jessie Rose; by Pearl Smith, for herself; by Matilda Smith, for herself; by Mary Blackburn, for herself and minor child, Jeff Dickson; by Charles Rose, for himself; by James Colbert, for himself and minor children, Myrtle, Mable, Minnie, Walter J., Minnie and Pearl L. Colbert; said application also included Susie Colbert, wife of the said James Colbert, who claims right to enrollment as a Cherokee Freedman by intermarriage, but the status of persons claiming right to enrollment as Cherokee Freedmen by intermarriage not being fixed at this time the said Susie Colbert is not embraced in this decision; by Geneva Lynch, for herself and minor children, John Leoney and Prue Lynch; by William Rose, for himself; by William Rose, for his minor child, Mary Rose; by Minora Smith, for herself; and by Gora Morris, for herself and minor children, Clarence, David, Charles and Helen Morris. Copies of the testimony taken in the cases of Edward Wright, Cherokee Freedmen D 512; Aaron Webber, Cherokee Freedmen D 516; Joe Rose, Cherokee Freedmen D 542 and Elizabeth Neils, Cherokee Freedmen D 551, and Harry Still, Cherokee Freedmen 576, are filed with and made a part of the record herein.

The evidence shows that Jane Smith, Emily Helen, formerly Rose, and James Colbert are the adult children of Matilda Colbert (formerly Dannonberg), deceased; that they were the slaves of Cherokee citizens at the commencement of the rebellion; and that they went to Kansas during said rebellion. It is shown by evidence introduced in behalf of the applicants that said Jane Smith, Emily Helen and James Colbert returned to the Cherokee Nation with Mariah Hayden, mother of Harry Still, after the war; and the Commission has decided in the case of Henry C. Hayden et al., Cherokee Freedmen R 108, that the said Mariah Hayden did not return to and take up her residence in said Nation until after 1873 which decision was approved by the Department on November 28, 1908 (I.T.D. 5988, 8242-1908).

Jack Landrum, a witness in behalf of the applicants, testified that the said Matilda Colbert and her daughter Emily, returned to the Cherokee Nation in the fall of 1866 and remained therein for a period of four or five years following that date. If the testimony of Harry Still to the effect that said applicants returned with Mariah Hayden, his mother, be accepted as true it follows that said Jack Landrum is in error when he states that Matilda Colbert and her daughter, Emily, were living in the Cherokee Nation from 1866 to 1870 or 1871. Again, Landrum is positively contradicted by the testimony of Mattie Drake and Jonathan Jones, two witnesses whose testimony is corroborated by other circumstances. Mattie Drake testified that she knew Emily Helen, James Colbert and Jane Smith in Kansas at the close of the war; and that following that time she attended school with Emily Helen and Jane Smith "at two different times" (years). Jonathan Jones testified that he removed to Topeka, Kansas, in February, 1866; that a year or two thereafter he became acquainted with Matilda Colbert and her three children, Emma, Jane and James, who were then residing at said place; and that they continued to reside there for a period of five or six years following the time he first got acquainted with them. The marriage license dated February 8, 1869, in which the said Matilda Colbert is described as "Matilda Dannonburg of Topeka" tends to corroborate the testimony of said Jones. Inasmuch as the witness Landrum is shown to be mistaken in his statement that Matilda Colbert and her daughter, Emily, remained in the Cherokee Nation for four or five years following the fall of 1866, is it reasonable to presume that his testimony is any more accurate on the other points in controversy?

As to the testimony of applicants' witness, Harry Still, it is to be observed that, in his own case, it is established by the weight of evidence that he did not return to the Cherokee Nation until after January 19, 1867. So that if he came back to said Nation with any of the applicants it is obvious that they arrived in said Nation too late to acquire any rights to enrollment. Upon consideration of all the evidence, therefore, we are of the opinion that said Jane Smith, Emily Helen and James Colbert did not return to said Nation until after the time specified, in the decree of the Court of Claims rendered on February 3, 1896, in the case of Moses Whitmire, trustee, etc., vs the Cherokee Nation et al., for the return of freedmen to said Nation.

It further appears that all the other applicants herein were born since 1866; that they are the descendants of and claim right to enrollment through said Emily Helen, Jane Smith or James Colbert; and that they have no other right except as such descendants. The names of none of said applicants herein are found on the 1850 authenticated roll of said Nation.

It is, therefore, the opinion of this Commission that the applications for the enrollment of Robert Rose, James Rose, Jane Smith, Chester Smith, Frank Smith, Bertha Smith, Catherine Smith, Curtis Smith, Melvina Smith, Emily Nelson, Jessie Rose, Pearl Smith, Matilda Smith, Mary Blackburn, Jeff Dickson, Charles Rose, James Colbert, Myrtle Colbert, Mable Colbert, Minnie Colbert, Walter J. Colbert, Ernestine Colbert, Pearl L. Colbert, Geneva Lynch, John Looney, Fruz Lynch, William Rose, Daisy Rose, Elvira Smith, Gora Morris, Clarence Morris, David Morris, Charles Morris and Helen Morris, as Cherokee Freedmen, should be denied under the provisions of section twenty-one of the act of Congress, approved June 25, 1896 (50 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES .

(Signed) Tams Dixey, Chairman.
" T.R. Needles, Commissioner.
" C.R. Brockbridge, Commissioner.
" W.H. Stanley, Commissioner.

Muskogee, Indian Territory,

this May 11 1904.

MARRIAGE LICENSE.

State of Kansas,)
Douglas County.) SS.

Lawrence, June 28th 1867

To any person authorized by law to perform the marriage Ceremony, Greeting:

You are hereby authorized to join in marriage John J. Rose of Douglas County Kansas aged 22 years, and Emma Pollard of Douglas County Kansas aged 18 years; and of this license you will make due return to my office, within thirty days.

Seal.

James M. Hendry,
Probate Judge.

State of Kansas,)
Douglas County.) SS.

I, Dudley Lee, do hereby certify that in accordance with the authority of the within license, I did on the 28th day of June A. D. 1867, at Lawrence in said County, join and unite in marriage the within named John J. Rose and Emma Pollard.

Witness my hand and seal the day and year above written.
Dudley Lee.

Attest James M. Hendry, Probate Judge.

MARRIAGE LICENSE.

Issued June 28 1867 Returnable within thirty days. Filed June 28, 1867. Recorded, Record 2 Page 3.

James Hendry, Probate Judge.

State of Kansas,)
Douglas County.) SS.

I, J. H. Mitchell Judge of the Probate Court, in and for the said County of Douglas and State of Kansas, do hereby certify that the foregoing is a true and correct copy of the marriage license issued to John J. Rose and Emma Pollard by the Probate Judge of Douglas County Kansas, as the same is on file and appears of record in the Probate Court of said County, of his said office, and has given bond for the performance of its duties as required by law.

In testimony whereof, I do hereto set my hand and affix the seal of said Court, this 24 day of February, A. D. 1902.

Seal

J. H. Mitchell, Probate Judge.

JAL

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, I. T. February 5th, 1903.

I, the undersigned, a member of the Commission to the Five Civilized Tribes, do hereby certify that the above and foregoing is a true and correct copy of a certified copy on file in the office of this Commission.

C. R. Headmire
Commissioner.

JHC

(Ch. F.D. 474)

Marriage License issued to John J. Ross (soll) citizen of the United States to marry Emily Denningberg of Cooweescoowee District, C.N. on the 28th day of December 1874 by D.W. Lipe Clerk of Cooweescoowee Dist C.N. was married by Samuel Webber Minister of the Gospel on the 28th day of September 1880 and recorded by C.C. Lipe Clerk of Cooweescoowee Dist, C.N. on this 18th day of October 1880

I, Joe M. Lahay, Clerk of Cooweescoowee District, hereby certify that the above is a true and correct copy as found on Page 51 Book "A" Record of Marriages of Cooweescoowee District.

In witness whereof I hereunto set my hand and seal of office on this the 25 day of August 1897.

Joe M. Lahay
Clerk Cooweescoowee District.

By R. Lee Comer
Deputy Clerk.

(Seal)

Department of the Interior
Commission to the Five Civilized Tribes.
Muskogee, I.T., January 31, 1903.

I, the undersigned, a member of the Commission to the Five Civilized Tribes, do hereby certify that the above and foregoing is a true and correct copy of the original offered in evidence in the matter of the application for enrollment of Cherokee F.D. 474.

(signed) C.R. Breckinridge
Commissioner.

Department of the Interior.

Commission to the Five Civilized Tribes.

In the matter of the application for enrollment of William Davis, et al., as citizens by inter-marriage of the Cherokee Nation, consolidating the applications of:

William Davis,	Cherokee Freedmen D-14,
Henry Thomas,	Cherokee Freedmen D-38,
Effa Vann,	Cherokee Freedmen D-70,
Mary Markham,	Cherokee Freedmen D-100,
Frances Melton,	Cherokee Freedmen D-110,
John Dotson,	Cherokee Freedmen D-111,
Mary Jane Vann,	Cherokee Freedmen D-115,
Thomas Lowe,	Cherokee Freedmen D-116,
Effa Maysfield,	Cherokee Freedmen D-117,
Sallie Rider,	Cherokee Freedmen D-118,
Reuben Campbell,	Cherokee Freedmen D-119,
Van Jackson Luther,	Cherokee Freedmen D-120,
Cassie Middleton,	Cherokee Freedmen D-121,
Mary Harbin,	Cherokee Freedmen D-122,
Nellie Fields,	Cherokee Freedmen D-123,
John Kimbrell,	Cherokee Freedmen D-124,
William S. Madden,	Cherokee Freedmen D-125,
Jane Bean,	Cherokee Freedmen D-126,
Albert T. Thomas,	Cherokee Freedmen D-127,
Mary Campbell,	Cherokee Freedmen D-128,
Caroline Daniels,	Cherokee Freedmen D-129,
Melvin A. Werry,	Cherokee Freedmen D-130,
Dave Morris,	Cherokee Freedmen D-131,
Alexander Claggett,	Cherokee Freedmen D-132,
Amanda Martin,	Cherokee Freedmen D-133,
Bliss Martin,	Cherokee Freedmen D-134,
John E. Barnes,	Cherokee Freedmen D-135,
Ben Davis,	Cherokee Freedmen D-136,
Samuel Brown,	Cherokee Freedmen D-137,
Howard F. Watson,	Cherokee Freedmen D-138,
Jack McConnell,	Cherokee Freedmen D-139,
Maudie Manley,	Cherokee Freedmen D-140,

George Reed, Sr.,
Buck Ladman,
Bell Thompson,
Lewis Scott,
Abe Scott,
Kendall L. Smith,
Thomas H. Allen,
Lewis Vanderford,
John L. Bowlin,
Katie Davis,
Charles Williams,
John J. Rose,
Jane Martin,
Lena Peterson,
Alex Johnson,
Martha Mann,
John Scott,
Nancy Rice,
Charles G. Smith,
Susie Gilbert,
William Skaggs,
Susie Johnson,
Alfred P. Hopkins,
Katie Vann,
Freddie Leoney,
Lucy Chouteau,
Alice Durant,
Mahaley Ward,
Fred D. Thomas,
Bettie Beck,
Ellie Warren,
Mittie Robinson,
Mary Webber,
Frances Martin,
Mary Riley,
Emmanuel Taylor,
Henry Sykes,
Larkin F. Powell,
Stepney Davis,
Malinda Vann,
Frances Johnson,
Annie Foster,
Mary H. Rogers,
George Washington Lane,
Jane Brown,

Cherokee Freedmen D-383,
Cherokee Freedmen D-408,
Cherokee Freedmen D-411,
Cherokee Freedmen D-430,
Cherokee Freedmen D-431,
Cherokee Freedmen D-432,
Cherokee Freedmen D-434,
Cherokee Freedmen D-436,
Cherokee Freedmen D-444,
Cherokee Freedmen D-455,
Cherokee Freedmen D-473,
Cherokee Freedmen D-474,
Cherokee Freedmen D-486,
Cherokee Freedmen D-490,
Cherokee Freedmen D-492,
Cherokee Freedmen D-493,
Cherokee Freedmen D-501,
Cherokee Freedmen D-513,
Cherokee Freedmen D-514,
Cherokee Freedmen D-520,
Cherokee Freedmen D-545,
Cherokee Freedmen D-546,
Cherokee Freedmen D-550,
Cherokee Freedmen D-552,
Cherokee Freedmen D-572,
Cherokee Freedmen D-584,
Cherokee Freedmen D-586,
Cherokee Freedmen D-608,
Cherokee Freedmen D-650,
Cherokee Freedmen D-645,
Cherokee Freedmen D-667,
Cherokee Freedmen D-674,
Cherokee Freedmen D-681,
Cherokee Freedmen D-682,
Cherokee Freedmen D-696,
Cherokee Freedmen D-699,
Cherokee Freedmen D-726,
Cherokee Freedmen D-735,
Cherokee Freedmen D-736,
Cherokee Freedmen D-741,
Cherokee Freedmen D-742,
Cherokee Freedmen D-743,
Cherokee Freedmen D-752,
Cherokee Freedmen D-753,
Cherokee Freedmen D-760,

Samuel L. Young,
John Backman,
Willie Cox,
Leonard Bowles,
Malinda Murrell,
Charles Claggett,
Samuel Irwin,
Mary Ross,
Maggie Nave,
Neoma Nave,
Ella Ross,
Elinabeth Duncan,
Sadie Adams,
Georgeann Archer,
John Claggett,
Hattie Smith,
Jack Jackson,
Lula Sanders,
George Hazeltine,
Linnie West,
Maria French,
Mary Johnson,
Maggie Vann,
William Hudson,
Sarah Rogers,
Abraham Ballard,
Laura David,
John Deckman,
James B. Parry,
Isaac Welch,
Lawson Logan,
George Howell,
Henry Mann,
George Adams,
Annie Thomas,
Lewis McConnell,
Callie Vann,
Lou Peters,
Ida Adair,
Robert Brown,
Allie Chambers,
Isom Jones,
Alice Gunter,
Katie Adair,
Carrie Martin,

Cherokee Freedmen D-761,
Cherokee Freedmen D-780,
Cherokee Freedmen D-781,
Cherokee Freedmen D-787,
Cherokee Freedmen D-788,
Cherokee Freedmen D-789,
Cherokee Freedmen D-793,
Cherokee Freedmen D-799,
Cherokee Freedmen D-806,
Cherokee Freedmen D-816,
Cherokee Freedmen D-840,
Cherokee Freedmen D-871,
Cherokee Freedmen D-880,
Cherokee Freedmen D-901,
Cherokee Freedmen D-912,
Cherokee Freedmen D-922,
Cherokee Freedmen D-938,
Cherokee Freedmen D-973,
Cherokee Freedmen D-987,
Cherokee Freedmen D-990,
Cherokee Freedmen D-1010,
Cherokee Freedmen D-1039,
Cherokee Freedmen D-1062,
Cherokee Freedmen D-1067,
Cherokee Freedmen D-1078,
Cherokee Freedmen D-1082,
Cherokee Freedmen D-1085,
Cherokee Freedmen D-1105,
Cherokee Freedmen R-39,
Cherokee Freedmen R-45,
Cherokee Freedmen R-48,
Cherokee Freedmen R-56,
Cherokee Freedmen R-72,
Cherokee Freedmen R-82,
Cherokee Freedmen R-83,
Cherokee Freedmen R-86,
Cherokee Freedmen R-94,
Cherokee Freedmen R-96,
Cherokee Freedmen R-99,
Cherokee Freedmen R-100,
Cherokee Freedmen R-102,
Cherokee Freedmen R-104,
Cherokee Freedmen R-105,
Cherokee Freedmen R-106,
Cherokee Freedmen R-107,

[illegible][illegible]

himself; by Lander Johnson for himself; by Thomas H. Allen for himself; by Lewis Walderford for himself; by Elizabeth Bowlin for her husband, John L. Bowlin; by John D. Davis for his wife, Katie Davis; by Charles Williams for himself; by John J. Rose for himself; by David Martin for his wife, Jane Martin; by Fred Peterson for his wife, Dean Peterson; by Marilla Johnson for her husband, Alex. Johnson; by Joseph Vann for his wife, Martha Vann; by John Scott for himself; by Steve Looney for Nancy Ross; by Charles C. Smith for himself; by James Colbert for his wife, Susie Colbert; by Rosanna Skaggs for her husband, William Skaggs; by Susie Johnson for herself; by Alfred P. Hopkins for himself; by Charles Vann for his wife, Kizzie Vann; by Jake Looney for his wife, Freddie Looney; by Lucy Chouteau for herself; by Allen Duxant for himself; by Alonzo Ward for his wife, Mahaley Ward; by Fred D. Thomas for himself; by Benjamin Beck for his wife, Beth Beck; by Lulu Warren for herself; by William Henry Robinson for his wife, Millie Robinson; by Josh Webber for his wife, Mary Webber; by Otto Martin for his wife, Frances Martin; by Ed Riley for his wife, Mary Riley; by Emanuel Taylor for himself; by Henry Sykes for himself; by Larkin P. Powell for himself; by Stepen Dawn for himself; by Ellis Vann for his wife, Melinda Vann; by David Johnson for his wife, Frances Johnson; by Phillip Foster for his wife, Annie Foster; by Houston Rogers for his wife, Mary Rogers; by George Washington Lane for himself; by Silas Hammer Brown for his wife, Jane Browne; by Samuel L. Young for himself; by Lizzie Buckner for her husband, John Buckner; by Sarah Cox for her husband, Willis Cox; by Sadie Bowlin for her husband, Leonard Bowlin; by Henry Morrell for his wife, Melinda Murrell; by Charles Claggett for himself; by Samuel Ross for himself; by David Ross for his wife, Mary Ross; by George F. Nave for his wife, Maggie Nave; by Lewis Armstrong Nave for his wife, Neema Nave; by Perry Ross for his wife, Ella Ross; by Elizabeth Duncan for herself; by Perry Adams for his wife, Sadie Adams; by Thomas Archer for his wife, Georgeann Archer; by Nancy Claggett for her husband, John Claggett; by John Sanders for his wife, Mattie Smith; by Jack Jackson for himself; by John Sanders for his wife, Lela Sanders; by Max Hamlin for her husband, George Hamlin; by George West for his wife, Lizzie West; by Maria French for herself; by Mary Johnson for herself; by George Vann for herself; by William Hudson for himself; by Sarah Rogers for herself; by Abraham Ballard for himself; by Edie David for his wife, Leard David; by John Dickinson for himself; by James B. Barry for himself; by James Welch for himself; by Nancy Rogers for her husband, Lawson Logan; by Maria Howell for her husband, George Howell; by Amanda Masir for her husband, Harry Masir; by Katie Adams for her husband, George Adams; by Willie Thomas for his wife, Annie Thomas; by Lewis McComb for himself; by John Vann for his wife, Carrie Vann; by Lon Peters for herself; by Robert Adair for his wife, Ida Adair; by Jessie Brown for her husband, Robert Brown; by Mat Chambers for his wife, Allie Chambers; by Rachel Jones for her husband, Tom Jones; by Lewis Guter for his wife, Alice Guter; by Amos Adair for his wife, Katie Adair; by William M. Matting for his wife, Carrie Matting; by Benjamin Omit for himself; by Emily Looney for herself; by Mary Groves for her husband, John Groves; by Rachel McMain for his wife, Melinda McMain; by Bettie Vann for herself; by Nelson Lett for himself; by Allen Rogers for his wife, Fannie Rogers; by William Washington for himself; by Squire Warren Owens for himself; by Fannie Goldsby for herself; by Charles Dedic for his wife, Clara Dedic; by Rachel Turk for her husband, Anderson Turk; by David Lane for himself; by Fella McMain for himself; by Elwood Jones for himself; by Emma Vann for his wife, Belle Vann; by Maggie Strood for her husband, Levi Strood; by John Sumpter for himself; by Maria Thompson for herself; by Ellen Sheppard for herself; and by Lula Melton for herself.

John (Groves) Matilda McMain, Bettie Vann, Nelson Lett, Fannie Rogers, William Washington.

The record further shows that none of the applicants herein make any claim to entitlement as citizens of the Cherokee Nation other than as set forth above.

It further appears from the record herein that at the time applications were made for the enrollment of the above named applicants, application was also made for the enrollment of other applicants as Cherokee Freedmen, but said applications being differently classified are not included in this decision.

It does not appear that any of the applicants herein are identified upon the 1880 Authenticated Cherokee Roll, nor does it appear that any of said applicants has ever been admitted to Cherokee citizenship by a duly constituted court or committee of the Cherokee Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the Act of Congress approved June 10, 1896, (29 Stat., 521).

It is, therefore, the opinion of this Commission that, following the ruling of the Department in the case of Lester Welborn, (I. T. D. 5855-1904, 11,776-1904), the applications made for the enrollment of William Davis, Henry Thomas, Ella Vann, Mary Markham, Frances Melton, John Dyeon, Mary Jane Vann, Thomas Lowe, Ella Mayfield, Belle Rider, Reuben Campbell, The Jacksons, Luther, Cassie Middleton, Mary Hattie, Nellie Field, John Kimbo, William B. Madden, Jane Dean, Albert T. Thomas, Mary Campbell, Caroline Daniels, Melina Albert, Dave Morris, Alexander Cloggett, Amanda Martin, Elma Martin, John E. Barnes, Bell Davis, Samuel Brown, Howard F. Winstead, Jack McConnell, Maudie Mauley, George Reed, Sr., Buck Ledman, Bell Thompson, Lewis Scott, Abe Scott, Kender Langton, Thomas E. Allen, Lewis Vandenberg, John L. Bonlie, Katie Davis, Charles Williams, John J. Rose, Jane Martin, Lena Peterson, Alan Johnson, Martha Vann, John Scott, Nancy Rose, Charles O. Smith, Susie Colbert, William Skaggs, Susie Johnson, Alfred F. Hopkins, Kinie Vann, Freddie Looney, Lucy Chontson, Alice Durant, Mahaley Ward, Fred D. Thomas, Bettie Beck, Ella Warren, Millie Robinson, Mary Webber, Frances Martin, Mary Elley, Emanuel Taylor, Henry Sylva, Markie P. Powell, Stephen Dora, Malinda Vann, Frances Johnson, Annie Foster, Mary H. Rogers, George Washington Lane, Jane Brown, Samuel L. Yarnall, John Backner, Willie Cox, Leonard Bowles, Melinda Marshall, Charles Cloggett, Samuel Smith, Mary Eber, Maggie Hart, Neoma Hart, Ella Ross, Elizabeth Duncan, Belle Adams, Georgiana Archer, John Cloggett, Hattie Smith, Jack Jackson, Luis Sanders, George Haselrig, Lizzie West, Maria French, Mary Johnson, Maggie Vann, William Hodson, Sarah Rogers, Abraham Ballard, Laura David, John Backman, James B. Perry, Jennie Welch, Lawrence Logan, George Howell, Henry Miller, George Adams, Annie Thomas, Lewis McConnell, Gailie Vann, Lou Peters, Ida Adair, Robert Brown, Allie Chambers, Don Jones, Alice Guster, Katie Adair, Corrie Martin, Benjamin Clark, Emily LeMay, John Groves, Matilda McNair, Bettie Vann, Nelson Lett, Fannie Rogers, William Washington,

quire Warren Owens, Fannie Goldsby, Susan Daniels, Anderson Turk, David Lane, Felix McClain, Henderson Jones, Belle Vann, Levi Strood, John Sumpter, Mariah Thompson, Ellen Sheppard and Lulu Melton, as Cherokee citizens by intermarriage, should be denied, under the provisions of section twenty-one of the Act of Congress approved June 26, 1895, (50 Stat., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.


[SIGNED] TAMS BIXBY,
Chairman.
[SIGNED] T. B. NEEDLES,
Commissioner.
[SIGNED] C. R. BRECKINRIDGE,
Commissioner.

MUSKOGEE, INDIAN TERRITORY, JANUARY 19, 1905.

73.

J.G. 474

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
JUN 1 1901


ACTING CHAIRMAN

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date JUN 1 1901
 Post Office Pennington, D.C.
 District 200

1. Name John J. Rose Age 55
 Owner's name _____ Citizenship _____
 Year _____ Page _____ No. _____ District _____

Parents:

Father _____ Citizenship _____

Mother _____ Citizenship _____

2. Name of wife _____ Age _____
 Owner's name _____ Citizenship _____
 Year _____ Page _____ No. _____ District _____

Parents:

Father _____ Citizenship _____

Mother _____ Citizenship _____

Names of Children:

4. <u>Robert Rose</u>	Year <u>1890</u>	Page <u>146</u>	No. <u>9619</u>	Dist. <u>200</u>	<u>15</u>
5. <u>James</u>	Year <u>1890</u>	Page <u>146</u>	No. <u>9621</u>	Dist. <u>"</u>	<u>18</u>
6. _____	Year _____	Page _____	No. _____	Dist. _____	
7. _____	Year _____	Page _____	No. _____	Dist. _____	
8. _____	Year _____	Page _____	No. _____	Dist. _____	
9. _____	Year _____	Page _____	No. _____	Dist. _____	
10. _____	Year _____	Page _____	No. _____	Dist. _____	
11. _____	Year _____	Page _____	No. _____	Dist. _____	
12. _____	Year _____	Page _____	No. _____	Dist. _____	

Application made by H. J.

Stenographer W. D. Green and
Lehas von Weise

Not on R. R. roll as Jim Rose

Represented by Mellette & Smith, Lincolnton, D.C.

410414

19

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

Mr. John J. Rose,

Lenapeh, I.T.

Cherokee F-D-474

Register.

TAMS BIXBY,

T. B. NEEDLES,

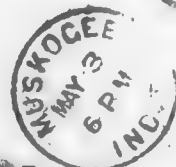
C. R. BRECKINRIDGE,

Commissioners.

Department of the Interior.

Commissioner to the Five Civilized Tribes,

MUSKOGEE, IND. TER.



Osborn & Sullivan,

Muskogee, Indian Territory.

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Cher. Fr. R. 637

Trans. from Fr. D 477

Cher. Fr. R. 637

FILED
AUG 3 1908
COMMISSION TO FIVE TRIBES.

W.W.H.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Tahlequah, I.T., July 29th., 1903.

C.F.D. - 477.

IN THE MATTER OF THE APPLICATION OF PHYLLIS SUMTER FOR
ENROLLMENT AS A CHEROKEE FARMERMAN,

PROTEST OF THE CHEROKEE NATION

Come now the Cherokee Nation by its representatives and respectfully protests against the judgment of the Commission to the Five Civilized Tribes rendered in the above case on July 10th., 1903, and for cause say:

First: That the applicant attempts to establish the fact that he was a slave of a Cherokee prior to the breaking out of the war, but does not corroborate the same by any reliable witnesses.

Second: The applicant contends that she was returned to the Cherokee Nation in 1866, and calls as witnesses to support her contention, John Baldridge, Charles Chambers and Nelson Murrell.

As to John Baldridge, he is such an unreliable witness that no one who could see him and hear him testify would believe a word he said. Nelson Murrell, as will be seen by his testimony, states that he did not see the applicant in the Cherokee Nation until 1871 or 1872. The applicant in her testimony, shows upon a close reading of the same, that she did not and could not have returned to the Cherokee Nation and taken up her residence in 1866, because she testifies that she remained in Lawrence, Kansas, whither she had gone at the breaking out of the war, until after John J. Rose and a woman by the name of Emily Helen were married. If she is to be believed as to the question of her remaining in Kansas, at Lawrence, until John J. Rose and Emily Helen were married, then we must conclude that the Commission in rendering their opinion overlooked the testimony of Mattie Drake, who resides at Lawrence, Kansas, and who is a wholly disinterested witness, because the testimony of Mattie Drake shows conclusively that she has resided continuously at Lawrence, Kansas since 1866, and that when she went to Lawrence, Kansas with that Emily Helen and John J. Rose were not married; that she went to school two different times with Jane and Emily Helen after she went to Lawrence, Kansas, before Emily's marriage. It is also further shown by the testimony of Jonathan Jones, of Topeka, Kansas, who is a reliable witness, and who is wholly disinterested, that this family of Helens moved to Topeka and lived there until 1871 or 1872, and that Emily and Rose were married when they moved to Topeka.

The representatives of the Cherokee Nation contend that there is not testimony sufficient to warrant the judgment of the Commission in finding that Phyllis

Phyllis Gunter, Page #2.

Gunter returned to the Cherokee Nation in 1866, and thereby qualifying under the terms of the treaty relating to the rights of freedmen in the Cherokee Nation. But on the other hand, we contend that the testimony shows conclusively by Mattie Drake and by Jonathan Jones, who are outside witnesses, and by Nelson Murrell, a witness called for the applicant, that she did not return to the Cherokee Nation and take up her residence until 1871 or 1872. It is needless to refer further to the testimony of John Baldridge for the reason that he is wholly unworthy of belief, and that his reputation in the community in which he lives is such that no one who is familiar with him would believe a word he says.

Wherefore, we respectfully ask that the decision of the Commission finding that Phyllis Gunter was entitled to be enrolled as a Cherokee Freedman Citizen be not approved, and that her application for enrollment as such citizen be denied.

Respectfully submitted,

L. B. Bell

W. W. Hastings

J. S. Davenport

Attorneys for the Cherokee Nation

FILED
AUG 14 1903
COMMISSION TO FIVE TRIBES

wwwH

DEPARTMENT OF THE INTERIOR
Commission to the Five Civilized Tribes,

Tahlequah, Indian Territory.

In the matter of the Application of Phillis Gunter for enrollment as a Cherokee freedman.

Cherokee Freed. D. 477.

Supplemental Protest of the Cherokee Nation.

Comes now the Cherokee Nation by its representatives and protest against the decision of the Commission rendered in this case on July 10, 1903 and for cause of this supplemental protest say:

That in addition to the reasons urged in the protest dated July 29, 1903 it is insisted by the Cherokee Nation that the applicant was not a slave of a Cherokee citizen at the commencement of the war of the rebellion and that the testimony so shows.

When the first protest was made on July 29th 1903 the Cherokee Nation was not in possession of a copy of the testimony of L. B. Bell which shows the history of the Starr family and which shows conclusively that there was but one Jane Starr and that the said Jane Starr never married John Latta and it is quite clear from the testimony that there was but one John Latta who lived in the Neighborhood of Evansville, Arkansas on the Arkansas side of the line and that he and his wife were citizens of the State of Arkansas and that she was not a Starr.

Now Phillis Gunter insists that Jane Starr married a white man by the name of John Latta and L. B. Bell, a man sixty-three years of age denies this statement emphatically. Mr. Bell married into the Starr family besides as he is related to them also by blood. As against his testimony one John Baldridge a disreputable negro testifies that he first saw her in time of the war that she belonged to the Starr family which proves that he only knew this by hearsay.

The next witness Charles Chambers gives no evidence of any special knowledge as to her ownership but he confirms the fact that the applicant belonged to the wife of John Latta a white man and Mr Bell states positively that John Latta and his wife were both white people, and that

John Latta did not marry Jane Starr.

The last witness for the applicant Nelson Marrell does not give any evidence of any benefit to the applicant either upon the question of ownership or return.

It will be specially noted that there is no direct and positive testimony upon the question of ownership of this applicant and for that reason we think that the judgment of the Commission should be reversed.

Respectfully,

W. H. Hastings

J. A. Harrison

Attorneys for the Cherokee Nation. *JCS.*

Additional Statement:

Upon the question of the return of Phillis Genter in 1866 it will be noted that this woman claims to have returned to the Cherokee nation with Peter Buffington and Spence Bell neither of whom returned to the Cherokee nation in time to qualify under the treaty.

J. 9477

EXHIBIT ON TO THE RECORDS

JUN 7 1901

RECEIVED
JUN 7 1901
J. 9477

Handwritten notes and signatures, including a large 'A' and other illegible marks.

Department of the Interior,
Commissioner to the Five Civilized Tribes,
Chelsea, I. T. June 1st 1901.

In the matter of the application of Phyllis Gunter for enrollment as a Cherokee Freedman; she being sworn by Commissioner T. B. Needles, testified as follows:

- Q What is your name? A. Phyllis Gunter.
Q How old are you? A. I don't know my age exactly, about 31 though.
Q What is your post office address? A. Coffeyville.
Q In what district do you live? A. Cooweescoowee.
Q Who do you want to have enrolled besides yourself? A. Just myself.
Q Is your name on the rolls of 1880? A. Yes sir.
Q Are you married? A. Yes sir but my husband is dead.
Q What was his name? A. Harry Gunter.
Q How long were you married to him? A. When the war was going on.
Q What was your name before you married Gunter? A. Starr.
Q Was you ever married except to Gunter? A. No sir.
Q If your name is on the 1880 roll it is on there as Gunter is it? A. Yes sir.
Q Did you get tour strip money? A. Yes sir.

Not found on the 1880 and 1890 rolls.

Kern Clifton roll examined and applicant found as follows:

Page 183 No. 4039, Phyllis Gunter, Cooweescoowee district.

- Q Were you a slave? A. Yes sir.
Q Who was your owner? A. Jane Starr.
Q Was she a Cherokee? A. Yes sir.
Q Were you taken out of the Cherokee Nation during the war? A. I went out.
Q Where to? A. Kansas.
Q What part of Kansas? A. Lawrence.
Q When did you come back? A. In July 1866.
Q Have you been living here ever since? A. Yes sir.
Q Where did you come to in 1866? A. On Verdigris river near Coon neck.
Q Who came with you? A. My husband, Mack Buffington, Spence Bell, George Brown.
Q And you have been here ever since? A. Yes sir.

By L. B. Bell for the Cherokee Nation-

- Q Who did you belong to? A. Jane Starr.
Q Where did she live? A. In Flint.
Q Was she ever married? A. Yes sir.
Q Who? A. Married a white man named Latty.
Q Where in Flint did she live? A. Close to a place of Evansville on the Military Road.
Q Did this Jane Starr have any brothers or sisters living there? A. No sir, not as I know of. She had some few kin there, some uncles I don't just remember who all.
Q About how old were you when the war began? A. I must have been about between 8 and 9, or 10 years old, no I must have been 18 years old.
~~Callan from Evansville, Arkansas, the first time I saw him was in 1866, he was then about 18 years old.~~
Q How far from Evansville did this Jane Starr live? A. Between 4 and 5 miles south of Evansville in the Nation.
Q Who lived near you then? A. The Beams and Riders, I can't name them all.
Q Was that the old Mrs. Beam? A. Yes sir.
Q How far did you live from old Mrs. Beam? A. Between 9 and 10 miles.
Q How far did you live from the Riders? A. I just can't tell you the distance it has been so long.
Q Do you know the first name of Jane Latty's husband? A. John.
Q And you say you came in 66 to Coon neck Bend on Verdigris river? A. Yes sir.
Q How long did you live there? A. Ever since.
Q How far did you settle from the river? A. I can't tell exactly.

Q Who did you find settle there when you came? A. No one only us folks
 Q There was only your family and those that came with you there at the time you came? A. Yes sir.
 Q How long after you settled there before other people began to come there? A. Just a little while.
 Q Was it six months? A. No sir.
 Q Was it 12 months? A. No sir.
 Q How long then? A. I can't tell exactly.
 Q Well have you no idea, was it inside of a year? A. Yes sir.
 Q Was it as much as six months? A. Longer than that.
 Q Then it was longer than six months and less than a year? A. Yes sir.
 Q Who was the first one to settle there after you came there? A. Uncle Jake and Hank Joe Ross and Helise Murrell I guess; no Helise is not in the same settlement with me.
 Q Is that all you recollect? A. Yes sir—John Baldridge is also one.

John Baldridge, called and sworn as a witness for the applicant:

Q What is your age? A. John Baldridge.
 Q What is your age? A. I was born in 1830.
 Q What is your best office address? A. Jeffreyville.
 Q Are you a recognized Cherokee citizen? A. Yes sir.
 Q Is your name on the roll of 1880? A. No sir.
 Q Do you know the applicant? A. Yes sir.
 Q How long have you known her? A. For years.
 Q How many years? A. Time of the war.
 Q Do you know where she went during the war? A. Yes sir to Lawrence Kansas.
 Q When did she come back to the Cherokee Nation? A. In '66.
 Q Was she a slave? A. Yes sir.
 Q To whom did she belong? A. The Starr family.
 Q Do you know that she returned in '66? A. Yes sir.
 Q Has she been living here ever since? A. Yes sir.

By Bell—

Q Where did you first see her in the Cherokee Nation after the war? A. Fort Gibson.
 Q What time of the year was that? A. In the Spring.
 Q Early or late? A. Latter part of the Spring.
 Q Did you see her more than one time? A. Yes sir.
 Q Did that acquaintance there last through the summer or fall? A. No sir, I never paid much attention to them after I saw her there first.
 Q Did you ever see her after that? A. Yes sir I saw her after that.
 Q Is mean at Fort Gibson after you saw her first there in the Spring?
 Q Well sir I moved to Sandtown and didn't see them any more then.
 Q What time did you move from Fort Gibson? A. Moved from there in '66.
 Q I went away from there first in the fall.
 Q You staid in Fort Gibson until fall? A. Yes sir.
 Q What did you do? A. I hunted and traded, buying hides.
 Q You saw her there till you moved did you? A. Yes sir and ever since off and on.
 Q When did you move to Sand town? A. In the fall, October and September long in good hunting time.
 Q When did you next see her? A. Off and on ever since.
 Q Do you know where she lives now? A. Yes sir.
 Q Where? A. Gooseneck Bend, down between there and Snow creek.

By the Commission:

Q Did you ever live at Fort Gibson? A. Just stopped there that time when we came, never made it my home.

Charles Chambers called and sworn as a witness, testified as follows for the applicant:

- Q What is your name? A. Charles Chambers.
Q What is your post office address? A. Rogers.
Q How old are you? A. About 70.
Q Do you know the applicant here? A. Yes sir.
Q Was she a slave? A. Yes sir.
Q Who did she belong to? A. John Starr.
Q Do you know where she was in '00? A. I don't know just exactly where she was then.
Q Do you know if she went into the Cherokee Nation during the war?
A. Yes sir she was away.
Q Do you know when she returned? A. No sir.

Wallace roll examined, applicant found as follows:
Page 174 No. 5340, Phyllis Carter, Sacawacawee district.

Applicant recalled, examined by Commissioner:

- Q Have you ever applied to be enrolled as a Freedman of any other Nation? A. No sir.
Q Your husband was a citizen was he? A. Yes sir.
Q He has been dead some years? A. No sir, just a year yesterday.
Q Was his name on the roll of 1880? A. I think it was, I don't know.

Applicants husband not found on the 1880 roll.

By Bell-

- Q This John Latty was a white man you say, A. Yes sir.

Nelson Murrell, called and sworn as a witness for the applicant testified as follows:

- Q What is your name? A. Nelson Murrell.
Q How old are you? A. I am 77.
Q What is your post office address? A. Coffeyville.
Q Do you know the applicant here? A. Yes sir.
Q How long have you known her? A. For about 22 years.
Q Was she a slave? A. I suppose so.
Q When did you first see her after the close of the war? A. On Snow Creek and the Verdigris.
Q When—in what year? A. In '71 or '72.
Q Never saw her before that? A. No sir.
Q Don't know if she returned to the Cherokee Nation in '88 or not?
A. No sir.

By Gen'l Needles,-

Phyllis Carter applies for herself; she is identified on the Barn Clifton and Wallace rolls according to the page and number thereof. Because of the fact that her name is not found on the authenticated roll of 1880 and because of the fact that her enrollment is protested by the Cherokee Nation she will be listed for enrollment as a Cherokee Freedman on a certified card to await the further consideration of the Commission. She makes satisfactory proof as to residence. She will be notified by mail of the final decision in her case.

Chas. van Weine, being sworn states that as stenographer to the Com-

That the within and above said...
...of the said...
...of the said...

John W. ...

subscribed and sworn to before me this 10th day of June, 1900 at
Chicago, Ill.

E. B. ...

Notary Public

Department of the Interior,
Commission to the Five Civilized Tribes,
Chelsea, I.T., June 3, 1901.

In the matter of the application of Emily Nolen for the enrollment
In the matter of the application of Emily Nolen for the enrollment
of herself and one child as Cherokee Freedmen; being sworn and
examined by Commissioner Needles, she testified as follows:

Appearances:

Smith, of Mellette & Smith, for applicant;
W.W. Hastings, for Cherokee Nation.

- Q What is your name? A Emily Nolen.
Q How old are you? A About 50, I guess.
Q What is your post-office? A Ruby.
Q What district do you live in? A Cooweescoowee.
Q You apply to be recognized as a Cherokee Freedman? A Yes sir.
Q Who do you want to enroll besides yourself? A Well I can't enroll only them that's under age can I?
Q That's all.

Examined by Attorney Smith:

- Q What children do you want to apply for? A Jessie Rose.
Q Now the next one? A That's all, if you don't let me enroll the boys.
Q Have you any other child that's under age, not grown? A No sir, they are all grown but them three.
Q All except Robert, James and Jessie? A Yes sir.
Q Well, Robert and James have already been applied for by your husband, John J. Rose, so you just apply for yourself and Jessie?
A Well, sir.

Examined by Commissioner Needles:

- Q How old is Jessie? A Seven or eight, seven years old I guess.

Examined by Attorney Smith:

- Q What is your name now? A Emily Nolen.
Q Were you the wife of John Rose? A Yes sir, I was.
Q How long did you and John live together, about? A I don't know.
Q What children were born ~~you~~ to you and John Rose while you were living together? A All my children are his.
Q Give their names? A Charlie, Carrie, Willie, Mary, Geneva, Robert, Fimmie and Jessie.
Q Did you and John separate? A Yes sir.
Q When did you separate? A About four years ago.
Q Where was Robert born? A On California Creek, in the Cherokee Nation.
Q Where was James born? A On Hickory Creek, Cherokee Nation, the same neighborhood.
Q Robert, James and Jessie are living with you? A Yes sir.
Q Where does Geneva live? A She has been living on Lightning Creek.
Q Is she married? A She has been married, but aint now.
Q Where is she living now? A She is living on Lightning.
Q Where does Mary live? A On Lightning.
Q Is she married? A Yes sir.
Q What is her name now? A Mary Blackburn.
Q Where does Will live? A He lives on California Creek, near ~~Ruby post-office~~.
Q Where does Carrie live? A She lives on Salt Creek, close to Ruby post-office.
Q How far from Ruby? A About a mile and a half.
Q Is Carrie married? A Yes sir.
Q What is her name now? A Freeman. She married George Freeman.
Q Where does Charles live? A He lives near Coffeyville in the Cherokee Nation, on the Verdigris.

- Q You apply for yourself and Jesse do you? A Yes sir.
- Q What was your name before you were married? A Before I married the first time.
- Q Yes sir? A Dannenberg.
- Q Were you born a slave? A Yes sir.
- Q Who did you belong to? A I belonged to Dannenberg.
- Q Was he a Cherokee? A Yes sir.
- Q Where did you live before the war? A In Flint, Cherokee Nation.
- Q Were you taken out of the Cherokee Nation during the war? A Yes sir.
- Q When did you come back? A I come back in the fall of '86.
- Q Who did you come back with? A I come back with my mother and brother and sister.
- Q What was your sister's name? A Jane Smith it is now.
- Q Anybody else with you? A Uncle Dave French.
- Q What family did your father and mother have at that time at the time you came back here, who were the members of that family?
- A That I belonged to.
- Q Your father's family, you mentioned your sister, Jane Smith?
- A And my brother, James Colbert; there wasn't but three children.
- Q Where did you come to when you came back? A Come to Lightning Creek.
- Q How old are you, you say? A I am about 50 I guess.
- Q You don't know your age? A No sir.
- Q Can you remember how big you were when you came back to the Nation after the war? A I guess I was about 11 years old.
- Q You don't know exactly? A No sir, I don't know my age.
- Q You were not grown? A No sir, I wasn't grown.
- Q Where does your sister, Jane Smith, live? A She lives in Hickory Creek, about nine miles below Coffeyville, in the Cherokee Nation.
- Q What is her husband's name? A Charley Smith.
- Q Where does James Colbert, your brother, live? A He lives near Bartlesville, in the Cherokee Nation.
- Examined by Cherokee Representative, W.W. Hastings:
- Q You say you belonged to Dannenberg? A Yes sir.
- Q Where did you live before the war? A I lived in the Nation, down there close to Flint.
- Q Close to Flint? A Yes sir, I don't know what.
- Q Did Dannenberg live there? A Yes sir, I don't know what district? A No sir, I don't know.
- Q Did Dannenberg have any children? A Yes sir.
- Q What are the names of some of them? A His oldest girl was named Josephine and the oldest boy was named Henry.
- Q You were living with them at that time? A Yes sir.
- Q Who did your brothers and sisters belong to? A Same person.
- Q All them you have mentioned belonged to the same person? A Yes sir.
- Q And he was living in Flint District? A I guess it was Flint District, but I remember it was near Flint.
- Q About how big were you when the war come up? A I was quite small.
- Q You don't know, remember anything about the dates then? A I know the dates when I see them, but I can't remember no dates that far.
- Q You were not married then you come back here then? A No sir.
- Q When did you marry John Rose? A I don't know just when.
- Q About how long after you come back here? A I guess about 4 or 5 year.
- Q You never married him in Kansas then? A Yes sir, I married him in Kansas.
- Q Then you married him before you come here? A I came down here and then I went back and I married him when I went back.
- Q Where did you come to when you come down here the first time?
- Q I come to Lightning Creek.
- Q Your father after then? A I don't know anything about my father.

I never saw him.

Q What was your mother's name? A Tilda Dannenberg.

Q She come down with you then? A Yes sir.

Q Just you and your mother and brother and sister? A Yes sir, and Uncle Dave Francess.

Q He was along? A Yes sir, and Mary Spill.

Q He was along? A Yes sir.

Q How long did you stay down here when you come? A I went back I guess it was in the summer.

Q What time did you come down? A I come in the fall.

Q And you stayed here then until the next summer? A Yes sir.

Q Then you lived in Kansas about four years? A No sir, I didn't stay there until September, I guess about September, and I come back.

Q Well, you said you married up there? A Yes sir, I married up there.

Q Didn't you state awhile ago it was about four years after you come down here until you married? A I mean it was four years from the time I come down here the first time.

Q That's what I meant? A Well I didn't stay up there no four years.

Q Well you come down here the first time, and you say you went back the following summer? A Yes sir.

Q Was it about four years when you first came down here after the war that you married Rose? A I come down here the first time with my mother and sister, and I stayed until along in the summer, and I went back and stayed there until along in the fall and I stayed there until in the fall and then I come back and I married up there and I come back that fall.

Q Was you ever married before? A No sir.

Q Was Rose ever married before? A Not as I knows of.

Q He was a state man? A Yes sir.

Q You went back to Kansas with you? A A young man by the name of Reed Whitney.

Q Was he any relation to you? A No sir.

Q How did you two happen to go back together? A There was another girl went with us.

Q What place in Kansas did you go to? A We went back to Lawrence.

Q You were married in Lawrence? A Yes sir.

Q What year were you married? A I can't tell the dates, I was married, I can't tell how long I have been married and when I did marry.

Q You can't tell the year you was married in but you could tell the fall you come back here? A Oh yes, I can tell that, because I heard so much talk about it.

Q You didn't hear so much talk about your marriage? A No sir.

Q What is your oldest ~~daughter~~ child's name? A Charley Rose.

Q How old is Charley? A I guess he is about 29.

Q Where was Charley born? A He was born in the Nation.

Q Where? A He was born on Grand river.

Q Who were your neighbors then? A My aunts.

Q What was their names? A Aunt Mary Puffington.

Q You were living then over on Grand river? A No I just went down there on a visit.

Q How long had you been in the Nation then? A I don't remember.

Q Where was your next child born? A On California Creek.

Q What was his name? Next one to the oldest child was? A Carrie Freeman.

Q She was born on California Creek? A Yes sir.

Q How far down from Coffeyville? A About 15 miles.

Q What direction? A South.

Q Have you been living at that place ever since? A Right around in the neighborhood ever since.

Q Where was Carrie Freeman married? A She was married on Hickory Creek.

- Q She ever live in Kansas? A No sir.
- Q Did Charley ever go back to Kansas? A No sir.
- Q Who did you and your mother live with the first fall after you came back here? A We stayed at Aunt Mariah Hayden's.
- Q Did you live in the house with her? A Yes sir. We lived in the house with her awhile, and we had a little house.
- Q Who was living with Aunt Mariah Hayden? A Why this man Reed Whitney, and this Andy Rider, and her son.
- Q That was in the fall of '80 was it? A Yes sir.
- Q Where was your Aunt Mariah Hayden living then? A Why close just close to where she is living now, I don't know just where the place is, I couldn't tell where, just where the place is now.
- Q It was on the same place, but a different house? A Somewhere along there, I have never been there for a long time, and I don't know.
- Q She had a house built did she? A I suppose she had I don't know.
- Q You don't know whether they were living in a house or not?
- A Oh yes, I know they were living in a house, but I don't know how they got it.
- Q You know how long they had been living there when you came?
- A No sir.
- Q Had they raised a crop there, patch? A I guess they had a garden patch, but it has been so long I don't remember.
- Q Was Mr. Hayden there? A I don't think he was at that time; you see I was small and then I can't remember very much noway.

Kerns-Clifton pay roll of citizens of the Cherokee Nation examined and applicant and child identified as follows:

page 146 No. 3616 Emily Rose, Cowwesscower District;

page 146, #3622 Jess Rose, Cowwesscower District.

Wallace roll of citizens of the Cherokee Nation examined and applicant identified thereon as follows:

page 137 #2859 Emma Rose, Cowwesscower District.

Examined by Commissioner Needles:

Q What is your present husband's name? A Manuel Nolen.

Q What was Rose's name? A John Rose.

Com'r Needles: Emily Nolen applies for the enrollment of herself and child Jessie Rose; she cannot be identified upon the authentic roll of 1880 or the census roll of 1890, but is duly identified upon the Kern-Clifton and the Wallace rolls, as Emily Rose, that having been her name by former marriage, and to one John Rose, from whom she is now divorced; she has since married one Manuel Nolen; by her first marriage to said John Rose she avers that she had one child, Jessie, and she is duly identified upon the Kern-Clifton roll according to page and number of the roll as indicated in the testimony; she avers that she was formerly married as stated, to one John Rose, from whom she is now divorced; said John Rose was duly listed for enrollment as a Cherokee Freedman on doubtful card 474, the testimony in said case will be made part of the record in the case at bar, and copy of said testimony will be filed with the testimony now being taken; they make satisfactory proof as to residence, consequently, Emily Nolen, and her child, Jessie Rose, will be duly listed for enrollment as Cherokee Freedmen upon what is known as a doubtful card; she will be notified of the decision of the Commission in her case when arrived at.

L. D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof. Subscribed and sworn to before me (signed) M. D. Greer, this June 6, 1901, (signed) T. S. Needles, Commissioner.

EX-100-10010-
COMMISSIONER

[Handwritten signature]

RECEIVED FOR MAIL TO BE DELIVERED TO THE COMMISSIONER, NOV. 27, 1901

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DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
NOV 27 1901

COMMISSIONER

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RECEIVED FOR MAIL TO BE DELIVERED TO THE COMMISSIONER, NOV. 27, 1901

Department of the Interior
Commission to the Five Civilized Tribes,
Oklahoma, I. T., June 1st, 1901.

In the matter of the application of John J. Ross for the enrollment of himself, as intermarried Cherokee Freedman; and two children as Cherokee Freedmen, he applying as intermarried; being sworn and examined by Commissioner Needles, he testified as follows:

Appearances:

Mr. Smith, of Mellette & Smith, for applicant.
Mr. L. B. Bell, for Cherokee Nation.

- Q What is your name? A John J. Ross.
Q What is your age? A About 55.
Q What is your post-office? A Longsight, Indian Territory.
Q What district do you live in? A Greenwood District.
Q You apply to be enrolled as a Cherokee Freedman? A No sir, as intermarried adopted.
Q Who do you want to enroll besides yourself? A 2 little boys Robert Ross.
Q How old is Robert? A About 15 years old.
Q What is the next child's name? A James Ross.
Q How old is James? A James is about 12.
Q Are you married? A No sir, I am a widower.
Q Your wife not living? A Yes sir, she is living; we was divorced.
Q What is the mother's name of these children? A She is married again.
Q Who has got these children? A I have got them in custody.
Examined by Attorney Smith:
Q What was your wife's name when you married her? A Emily Danner-herr.
Q Have you a witness where who knew as to whom she belonged?
A Yes sir.
Q Did you know her during the war yourself? A No sir.
Q You can't state from your personal knowledge who she belonged to?
A No sir.
Q Where was she during the war? A No sir. I never got acquainted with her until after the war.
Q When did you get acquainted with her? A In the fall of '65, near the close of the war.
Q Where was she? A At Lawrence, Kansas.
Q In '65? A Yes sir.
Q How long did you stay in Lawrence after that? A I lived in Lawrence about, let me see, about three years; I think it was '68 when I left there.
Q Did she leave Lawrence? A She left Lawrence in the fall of '66 the next year after the war closed.
Q Did she make any statement as to where she was going? A She was coming to the Nation with her mother.
Q Where did you marry her? A I married her in Lawrence, Kansas, the first time I married her, and I married her the second time in the Indian Territory.
Q How did you marry her in the Territory, under what law?
A Under the Cherokee law.
Q Have you got the certificate? A I have got a certified copy. (Produces papers.)

Attorney Smith: I desire to offer a certified copy of a certificate of his marriage to his wife, issued by the clerk of Greenwood District. (Hands paper to Cherokee Rep'v Bell, who examines it.)

Com'r Needles: The applicant presents a certified copy of marriage certificate certifying that he was married according to the laws of the Cherokee Nation on the 28th day of September, 1860, marriage license issued in '94, 28th day of

John J. Rose et al 2

December and married to Emily Dammberg, Minister of the Gospel, 25th of September 1901, to Emily Dammberg.

Examined by Attorney Smith:

Q Have you ever been recognized as a citizen of the Cherokee Nation? A Yes sir, I have been recognized, the rights to vote.

Q Have you voted in the Cherokee elections? A Yes sir.

Q Have you ever had any permits issued to you? A I don't think I ever applied; yes I have, but I have no copies of them.

Q You have had permits issued to you? A Yes sir.

Q About when, do you remember? A It has been 14 or 15 years ago, I never paid any attention to it.

Q Did you ever have any law suits in the Cherokee courts?

A One, yes sir.

Q Who with? A Man named Curleyhead, Delaware citizen.

Q In what court? A Civil court it was then, held at Dog Creek, Cooweescoowee District.

Cherokee Rep. vs Hall. I object to the introduction of this evidence, for the reason that it is not the best; the records could be obtainable, or showing what it is made that they are not obtainable.

Com'r: Well, go on.

BY ATTORNEY SMITH:

Q Well now, Mr. Rose, where do you live now? A I live five miles north of Lenape, Cooweescoowee District, Cherokee Nation.

Q Are these two children, Robert and James, living with you?

A Yes sir, when I am at home they are.

Q Are these children on any of the rolls? A Yes sir.

Q Robert and James, what rolls? A They are both on the Kurns-Clifton roll, and I think one of them is on the Walker roll, I am not positive.

Q How old is Robert? A 14, going on 15.

Kurns-Clifton roll of citizens of the Cherokee Nation examined for applicant's children and identified
page 146, #3619 Robert Rose, Cooweescoowee District.
page 148 #3621 Jim Rose, Cooweescoowee District.

1890 authenticated roll of citizens of the Cherokee Nation examined and applicant not identified thereon.

1896 census roll of citizens of the Cherokee Nation examined and applicants not identified thereon.

Kurns-Clifton roll of citizens of the Cherokee Nation examined and applicant's former wife identified as follows:
page 146, #3618 Emily Rose, Cooweescoowee District.

Examined by Cherokee Representative, L. B. Hall:

Q You don't claim anything but intermarried right? A And the right to enroll these two children.

Q When did you marry Emily Dammberg first? A First time I met her I think it was in 1887, along in June.

FURTHER TESTIMONY IN THIS CASE TAKEN BY STENOGRAPHER CHARLES VON WRISE.

M. D. Green, being first duly sworn, states that as stenographer to the undersigned at the first Civilized Trial he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(signed) M. D. Green,

Subscribed and sworn to before me this June 5th, 1901.

(signed) T. B. Needles,
Commissioner.

June 1st, 1901, CONTINUATION of the above.

By Chas. von Weise, Steno.

Harry Still, being sworn by Con'r Needles, as a witness for the applicant, testified as follows:

By Mr. Smith:

- Q What is your name? A Harry Still.
Q What is your post-office address? A Hayden.
Q How long have you lived in the Cherokee Nation? A About 54 years.
Q How old are you? A About 54 years old.
Q Did you know Emma Rose or a woman who was the wife of John J. Rose? A Yes sir.
Q What was her name before she married Rose? A Dannenberg.
Q Was she a slave? A Yes sir.
Q Who did she belong to? A Dick Dannenberg.
Q Was he a Cherokee citizen? A Yes sir.
Q Where was Emma Dannenberg when the war broke out? A She was living with her master then.
Q Where? A In Flint.
Q In the Cherokee Nation? A Yes sir.
Q Do you know if she was taken out of the Cherokee Nation during the war? A Yes sir.
Q Did she come back after the war? A Yes sir.
Q When did she come back? A In the fall of '66 long about the last part.
Q Who came back with her? A She came back with her mother, sister, brother, me, my mother, my sister, Reed Whitney.
Q Where did you come to? A Come to Lightning Creek.
Q How old was Emma at that time? A Her and Jans was both good sized girls-- young ladies.
Q Who was their mother? A Tilda Dannenberg.
Q Where did they locate when they came? A Stopped at a place now known as Hayden.
Q And where is this woman Emma now? A She is living about 8 miles from Hayden in what is known as the Jim Martin settlement.
Q Where does John Rose live? A Somewhere six miles from Lenapeh.
Q How long has he lived there? A The first time that I saw those people I can't exactly fix the date, it was on California Creek over 20 years more than that; must have been in '75 or '76.

By Bell-

- Q Was this Tilda Dannenberg married? A No sir, she was a widow.
Q Where did she settle? A Near what is Hayden now.
Q How long did she live there? A 5 or 6 years.
Q And kept these children with her? A Not all the time.
Q How long did she have them? A 2 or 3 years when she first came there.
Q I mean Emma Rose. I am speaking of John J. Rose's wife? A That is Emma-- she kept Jim with her all the time.
Q I am speaking of John J. Rose's wife? A That is who I mean.
Q When did you come back to this country? A That first time.
Q Yes sir? A In '65.
Q And then you came back again? A Yes sir.
Q In '65? A Yes sir.
Q Are you on the 1880 roll? A I am a citizen all right and was admitted at Vinita.
Q Are you on the roll of 1890? A I said I was a citizen all right.
Q Who came back besides your family? A Reed Whitney, Joe King, Andy Rider.

Lewis Whitmire, called and sworn as a witness for the applicant.

By Mr. Smith.

- Q What is your name? A Lewis Whitmire.

- Q Where do you live? A Hayden, I.T., on Lightning Creek.
- Q How long have you lived in the Cherokee Nation? A Never lived out of the Cherokee Nation.
- Q Do you know John Rose? A Yes sir.
- Q How long have you known him? A I have known him about 25 years.
- Q Do you know his wife Emma? A Yes sir.
- Q How did she belong to before the war? A Mr. Dannenberg, and his family.
- Q Were they Cherokee citizens? A Yes sir.
- Q Where did they live? A I can't tell exactly if it was in Flint or Gosseneck, 2 or 3 miles from the line.
- Q How big was she when she came back? A I don't recollect how big but she was a small girl when she was commenced.
- Q She was out of the Cherokee Nation when the war was going on was she? A Yes sir I guess so.
- Q Where did you first see her after the war? A Her mother was at the old Harry Still place up on Lightning creek.
- Q When did you first see her--with her mother? A Sometime in the winter of '66.
- Q Did you know who she was with? A With her mother.
- Q Did you come back to this country the same time Harry Still did or not? A No sir I came down same summer though.
- Q Do you know who brought this woman and these children to the Cherokee Nation? A No sir.
- Q How long did you continue to see them up around there? A They were there 5 or 6 weeks, taken a claim there, it was cold weather, they got dissatisfied and gave it up.
- Q Where did you next see them? A On Gosseneck Bend, I was up there to the Chief election up there and seed them.
- Q Have you ever been to the Rose house at Lenapah? A No sir.
- By Bell.
- Q How far from the Harry Still place do you live? A Just a short mile just like going from here over in town.
- Q That was in 1865 that you was over there and saw these people?
- A Yes sir.
- Q How long did Emma Rose stay there with her mother? A I just saw them there a short time.
- Q About how long? A 5 or 6 weeks.
- Q Where did she go then? A I don't know where she went, the next I heard of them was that they had a place up near Lenapah. I has never been to their place there, don't know where it is.
- Q You know that they have lived up near Lenapah though? A Yes sir.
- John Landrum called and sworn as a witness for the applicant.
- By Mr. Smith:
- Q What is your name? A John Landrum.
- Q Where do you live? A On Lightning creek.
- Q What is your post-office? A Hayden.
- Q How long have you lived there? A 30 years.
- Q How long have you lived in the Cherokee Nation? A I was birthed here and raised here.
- Q Do you know Emma Rose who was the wife of John Rose? A Yes sir I am slightly acquainted with her.
- Q Did you know her before the war? A Yes sir I saw her a time or two.
- Q Was she a slave? A Yes sir.
- Q Who did she belong to? A The Dannenbergs.
- Q Where was she when the war came up? A In Flint District.
- Q When did you first see her in the Cherokee Nation after the war?
- A On Lightning creek.
- Q When? A Fall of '66.
- Q Who was she with? A Her mother Filda.
- Q Do you know how long they staid in that neighborhood? A I think they must have staid there 4 or 5 years as near as I can recollect.

(5)

Q How far is it from where you saw them to Lewis Whitaires? A 2 miles north east.

By Bell:

Q You say you knew Km Rose before the war? A Yes sir I saw her.

Q About what age was she when the war came up? A Small.

Q Am 4 or 5 years old? A I dont know, I was small myself.

Q About what age was she? A Might have been 7 or 8 I dont know.

Q Where did you see her before the war? A Where they lived on Flint.

Q Where did you live at that time? A On Sparinas, this side of Keyesville.

Q How far from Keyesville did they call it? A About 12 miles, on the military road right on Sparinas, the Jess Buffington place is where I was raised.

Q How far was that from the Dannenberg place? A It was a long ways.

Q How old are you Jack? A 59 as near as I can come.

Q What was you doing there at the Dannenberg place at that time?

A My master carried me up there.

Q When was that? A That was a long before the war came up.

Q Well how long before the war came up? A I cant tell exactly, it was not so long before the war came up though.

Q Who was your master? A At that time I belonged to Jim.

Q Jim Landrum? A No sir Jim Muskrat they called him.

Q What was he doing there at the Dannenberg place? A On business I guess.

Q Selling some of you? A No sir not exactly, I dont know, I never was sold in my life.

Q How many days did it take you to go up there from where you lived? A 2 or 3 days or more in wagons.

Q How long did you stay there after you got there? A 2 or 3 days.

Q Can you tell close to where they lived in Flint? A No sir I cant.

Q You got through with that visit and came back home and never saw her again until you saw her up here on Lightning? A Saw her mother in Fort Scott.

Applicant re-called and examined by Mr. Smith:

Q Where were you living in 1880? A On California creek, near the Whiskey crossing.

Q Were you and Fama living together then as man and wife? A Yessir.

Q Do you know why you wasn't put on that roll? A At the time the census takers came round in the spring of '75, the census takers was Dick Duck and Mr. Hicks, they come to the house and my wife was absent and I gave in her name and all the rest of the family; there was an order from the Chief or the executive office for all those who had not met the census takers before to appear ~~the~~ at the district clerks and give in their census, and in '75 I taken my mother in law and went to the clerk and she gave them in and swore to it and proved it by John Freedman--that was the same year that Mr.

Wallace made the roll of the freedmen that I went to Tahlequah and got Mr. Roamus to go and examine the office and see if my people was down and he did and the clerk there told him the the district clerk, C.C. Lipe, had never sent in any such ~~paper~~ reports.

By Bell-

Q That was in '75? A Yes sir, the time that Jacob Lipe was clerk he took the oath and they said that the first oath that he took then was that of this her woman's mother, Tilda Dannenberg.

By Smith-

Q Do you know why she was not placed on the 1880 roll? A Just rejected her then, they disputed her after that.

Q You were here at the time? A Yes sir.

By Com'r Needles: John J. Rose applies for himself and two children Robert and James Rose. and he makes satisfactory proof

of his marriage to Mrs. Denenberg according to the laws of the Cherokee Nation; the name of his wife is not found on the authenticated roll of 1880, but is identified on the Kern Clifton and Wallace rolls; the names of the two children above named are by his said wife Emma and are identified on the Kern Clifton roll; he makes satisfactory proof as to his marriage in the year 1880 according to the laws of the Cherokee Nation; they are all duly identified but for the reason that the name of the said family Denenberg, the wife of the said John J. Rose does not appear on the authenticated roll of 1880, and because of the fact that the Cherokee Nation protects the enrollment of these parties, the said John J. Rose will be listed for enrollment as a Cherokee Freedman on inter-marriage on a doubtful card, and the two children James and Robert Rose will be listed for enrollment as Cherokee Freedman on a doubtful card, and the final decision of the Commission will be made known to them by mail.

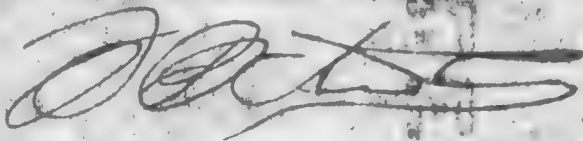
Chas von Wiese, being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full that portion of the testimony as indicated as having been taken by him, and that the foregoing is a full, true and correct transcript of his stenographic notes therein.

(signed) Chas von Wiese.
Subscribed and sworn to before me this 6th of June, 1901, at
Chelsea, I. T.

(signed) F. B. Needles,
Commissioner.

W. D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he made the foregoing copy and that same is a true and complete copy of the original transcript.

Subscribed and sworn to before me this November 19th, 1901.



COMMISSIONER
Notary Public.

VALLEY PA

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Prescribed and used as follows:

1. The first course of treatment is to be given to the patient in the form of a course of treatment.

2. The second course of treatment is to be given to the patient in the form of a course of treatment.

(1) The first course of treatment is to be given to the patient in the form of a course of treatment.

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5. The fifth course of treatment is to be given to the patient in the form of a course of treatment.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T. October 25th 1901.

SUPPLEMENTAL TESTIMONY in the matter of the application of John J. Rose, C. F. B. 474.

Appearances:

James S. Davenport for the Cherokee Nation.
Mellett & Smith for the applicant.

PHILLIS CARTER being first duly sworn by Com'r T. B. Needles, testified as follows on the part of the Cherokee Nation:

(By Davenport)

Q What is your name? A Phillis Carter.

Q Where do you live? A In Ganssneck Bend, Doowee-scoowee district.

Q How old are you? A I just dont know my age exactly.

Q Do you know John J. Rose? A Yes sir, I know him.

Q Do you know Emily Nolan who was formerly the wife of John J. Rose?

A Yes sir.

Q Where did you first get acquainted with them? A I was acquainted with their mother in slave times.

Q With their mother, whose mother do you mean? A Emily's mother.

Q What was her name? A Matilda Dannenburg.

Q Were John J. Rose and Emily Nolan any relation to each other? A Yes sir they got married.

Q Where did they get married? A In Kansas somewhere, I cant tell exactly the place.

Q Where did you know John J. Rose and Emily as man and wife? A Right there in Lawrence.

Q When did you come back to the Cherokee Nation after you knew them in Lawrence? A As near as I remember it was the year before the Grass or Bread payment.

Q Do you know what year that was, what year the bread payment was made? A No sir.

Q Where was John and Emily living when you come back from Lawrence? A I left them up there.

Q Up where? A Lawrence Kansas and never seen them any more until they came here.

Q Did they have some children? A Yes sir.

Q Do you know the names of any of them? A A little boy named Charlie and a girl named Lizzie is all they had then.

(By Smith)

Q Are you a freedman? A Yes sir that is what I have been claiming.

Q Are you on any of the rolls of the Cherokee Nation? A Yes sir.

Q What rolls? A My case was taken up at Chelsea.

Q I ask what rolls you are on? A Clifton and Wallace rolls I guess they call it.

Q Who did you belong to before the war? A I belonged to a woman, she was a Starr before she married and she married a man name Latty.

Q What was her name before she married? A Jane Starr.

Q What was her father's name? A I dont know.

Q Where did they live? A At the old home up in Flint and in Sequayah

Q Near what town? A Not close to any town, lived out in the country, the closest town was Evansville.

Q Were you living there when the war commenced? A Y-s sir.

Q Where did Emily's mother live? A With Mrs. Dannenburg.

Q How far from where you lived? A In the same district but it was further off, north from me, I cant tell the distance exactly.

Q Was it 30 miles? A No sir, I dont think it was quite that far.

Q You didnt know Emily herself before the war? A Yes sir I knowed her.

Q I thought you said you knew her mother—what was her mother's name?

A Matilda Dannenburg.

Q Did you, or did you not know Emily before the war? A I think Emily

was born before the war, if she was she was a small child; I know I saw her in her mother's arms.

Q Was that before the war? A Yes sir.

Q Sure of that? A Yes sir.

Q Where did you ever see her in her mother's arms before the war?

A With her mother at the Dammernburg place.

Q How many times were you at the Dammernburg place? A I was hired out to his brother Nathan.

Q How far did the two Dammernburg brothers live apart? A I can't say exactly how far.

Q Can't you give some idea as to how far? A I don't know exactly.

Q Did they live 450 miles apart? A Nathan lived in town and one lived in the country.

Q Was it 400 miles apart? A No sir it wasn't, I don't suppose it was over five miles, it wasn't five miles, it was between 3 and 4 miles I guess.

Q When the war come up where did you go? A When the war come up for a little while when the war was raging so I was with my owners at Parkhill a while and then came back to the old home place.

Q When did you go up to Kansas? A About the time of the close of the war, just about the time that Quantrell's raid was in Lawrence.

Q What place in Kansas did you go to? A Lawrence.

Q Where was this Matilda then, didn't you say you saw Matilda there?

A When I first went up in Lawrence.

Q Yes sir? A I didn't see her when I first went up there, we lived on one side of the river and they lived on the other, but I shortly afterwards saw her, I didn't see her for the first day or two after I got there.

Q I'll said a while ago that you saw Billy in her mother's arms you though before the war, how long before the war was it? A I can't say I don't know, I don't recollect that far back, I have told it as straight as I know.

Q You claim to have known this woman ever since she was a little baby, now when was she a little baby? A I can't say.

Q How big was she when the war come up? A Quite a little girl.

Q How many years old? A I don't know, never paid any attention, just seen them and knowed them, I don't know anything about the ages.

Q Was she three years old? A She might have been and might have been more.

Q Well, about how old? A I don't know.

Q You saw her and would know the difference between a girl three years old and one ten years old wouldn't you? A Yes sir I might.

Q You are in doubt about that are you? A Yes sir.

Q How old was Billy when you saw her at Lawrence? A Little child

Q How long did you live in Lawrence? A I don't know how many years, I staid there a good while.

Q You don't know if it was one year or two years or 22 years? A I know it wasn't 22.

Q Was it over two? A Yes sir I guess it was.

Q How much over? A I don't know.

Q Was you living there as much as five years? A I don't know if I did or not, I know I was there that is all I do know.

Q Can't you give some idea how you there as much as five years? A I don't know if I was there five years or over five years or under five years, I don't just exactly know the years or dates, I know I was there quite a while, I know I was there two or three years anyway.

Q You can be sure in saying that it was over two years, two or three years? A Yes sir.

Q You wouldn't swear positively that you were there as much as five years though? A No sir.

Q You will swear positively that you were there as much as two or three years? A Yes sir for I know I was there that much.

Q Who did you live with there in Lawrence? A With my husband.
Q Who was he? A Harry Sander. Q Is he living or dead? A Dead.
Q When did he die? A A year and six months ago.
Q Since you came here? A Yes sir.
Q You don't know what year it was when you went to Lawrence? A No sir.
I don't know that, I know.
Q It was some time after you went up there before you saw this
Matilda? A Yes sir.
Q When you discovered her there how far was she living from you? A
Must have been 2 or 3 miles, she wasn't living right in town, she
lived kinda in the country.
Q You lived in town? A I lived on the north side of the river, the
river was betwixt us and town.

=====

This will be filed in the original application, that of John J. Rose,
C. F. D. 474 and also in Cherokee Freedmen doubtful cases, D-514;
D-515; D-516; D-517; D-518; D-511; D-520; D-521; D-477; D-804; D-882;
D-883 and R-132.

Chas. von Weise, being first duly sworn states that as stenographer
to the Commission to the Five Civilized Tribes he reported in full
all the proceedings in the above case and that the foregoing is a
full, true and correct transcript of his stenographic notes therein.

Subscribed and sworn to before me this 24th of October, 1901.

Chas von Weise
[Signature]
Commissioner.

File with Cherokee Freedman D. 477, Phillips Center.

Department of the Interior,
Commission to the Five Civilized Tribes,
Tulsa, I. T., February 26, 1903.

SUPPLEMENTAL TESTIMONY ON DETAILS OF CHEROKEE NATION in the matter of the application of EMILY FOLEN for enrollment as a Freedman of the Cherokee Nation, D-511.

Appearances:

Mr. Pellette, of Pellette & Smith, Vinita, I. T., attorneys for the applicants;

Mr. J. M. Davenport, of Attorneys for the Cherokee Nation.

MARTHA PACK, being sworn and examined, testified as follows:

BY MR. DAVENPORT:

- Q What is your name? A Martha Pack.
- Q Where do you live? A Tahlequah.
- Q How long have you lived in Tahlequah? A About 15 years.
- Q Where did you live before you went to Tahlequah? A I lived in Saline District.
- Q Do you know a colored woman by the name of Emily Folen now, that is, who goes by that name at present? A I know her, but I don't know her by that name.
- Q What name do you know her by? A I know her by Emily Rose.
- Q Where did you first get acquainted with her? A I got acquainted with her in Coffeyville, Kansas.
- Q How long ago was it that you got acquainted with her in Coffeyville, Kansas? A Well it has been about 25 years, if not longer.
- Q Where was she living at that time, if you know? A She was living in Coffeyville, Kansas.
- Q Did you have any conversation with her at that time, become quite well acquainted with her? A Yes sir, well acquainted with her.
- Q Did she tell you anything about where she had lived prior to moving to Coffeyville? A No, but they came from upper Kansas there.
- Q Came from somewhere else in Kansas? A Yes, up above.
- Q You know where she is living now, or about what locality? A I think she lives on Big Creek or somewhere up in there.
- Q In the Cherokee Nation? A Yes sir.
- Q Have you seen her since you saw her when she was living in Coffeyville, Kansas? A Oh yes sir, lots of times.
- Q How long did she live in Coffeyville, Kansas, to your knowledge after you got acquainted with her, or about how long? A Well about two years I guess, I think.
- Q You had never known her before the war had you? A No, never known her.
- Q She claims to have been a Dannenberg, I believe, you never knew her until after she was living with John Rose? A She was living with John Rose.
- Q Was John Rose living with her after you got acquainted with her in Kansas? A Yes sir. They were all living together, her mother, Charley's Smith's wife.
- Q What was her mother's name? A Tildy Lacey.
- Q What was her sister's name? A Jane Smith.
- Q You know where Jane Smith is living now? A She lives on Hickory Creek.
- Q That is in the Cherokee Nation? A Yes sir.
- BY MR. PELLETTE:
- Q What you say your name is? A Martha Pack.
- Q How close to Coffeyville, Kansas to the line of the Cherokee Nation? A Why I don't know exactly how close the line is, it was 15 miles at the time where I lived in Coffeyville.
- Q Where did she live? A She lived in Coffeyville then.

Q How do you know she did? A I worked there in Coffeyville, and ~~specifically~~ was well acquainted with her.

Q How long did you work there? A Oh I worked there a year or two.

Q Which was it? A About a year I guess.

Q She there all the time while you were there? A Yes sir.

Q Where did they live? A They lived right in town.

Q Were they ever in the Cherokee Nation any? A No sir.

Q You say they never was over in the Cherokee Nation? A No, only when they went to church.

Q How do you know? A Because I lived near them, I lived right there near, I didn't live with them, I was working right there, and was there every day.

Q How close did you live? A About a hundred yards.

Q You watched them all that year did you? A No, I didn't watch them I was well acquainted with them.

Q Whop were you first asked about this matter as to what you remembered about it? A Why I knew about them?

Q Yes. A Last summer.

Q Then you remembered back 25 years? A Oh yes sir.

Q And remember everything that the Rolens did 25 years ago? A No, I just know where they lived at, and was well acquainted with them.

Q You know they lived right there in Coffeyville? A Yes sir.

Q But you didn't watch them to know exactly where they went at different times? A Oh I know where they lived because I passed them.

Q Don't you know they were away from there months at a time? A No sir, they was not away from there while I was there; they might have went away after that. I know the time they come in the Cherokee Nation and made a crop.

Q When was that? A I don't remember the year exactly, but it was the year that the grass-hoppers were just thick in the farms, that was the year that Joe Rose and Charley Smith come to the Cherokee Nation and made a crop.

Q What year was that? A I don't remember, I couldn't tell you that.

Q Hain't they been farming down in the Cherokee Nation all the while? A No, that is the first year they went.

Q Where did they come from to Coffeyville? A They come from in above in Kansas.

Q How do you know? A They said they come from above there, I didn't know it.

Q How old are you? A I am about 43 or '4, along there.

Q Then how many years ago was it you saw these people in Coffeyville? A It has been about 25.

Q What makes you think it is 25 years? A Because my oldest child is 25 years old.

Q When was that child born? A I couldn't tell you what year that was, but she is 25.

Q Was she born while the Roses were living there in Coffeyville? A Yes sir.

Q How do you know that? A I know that.

Q You had a little baby to take care of didn't you? A ; No I come away from there, they had been living there quite a while.

BY COMMISSION: This testimony will be filed and made a part of the record in the following Cherokee Freedmen cases: D-477, D 514, D 515, D 516, D 517, D 518, D 520, D 521, and D 804.

M.D.Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me
this February 28, 1902.

M.D. Green
Corn

and would be used to fill the 40 empty seats.

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D-271, D-272, D-286, D-292, and by the case of each of these.
D-271, D-272, D-286, D-292, D-293, D-294, D-295, D-296, D-297,
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D-937, D-938, D-939, D-940, D-94

1504. Remains of some pottery from the burial of a female child, aged 1 year, found at the base of the mound. The fragments are of the same type as those found at the base of the mound.

THE UNIVERSITY OF CHICAGO PRESS

The above was said by me at the time of my departure from the city of New York on the 10th day of May 1864.

I have no further to say at present.

Your obedient servant,
J. M. Smith

Vol. 10, No. 1, 1908.

2001

[illegible]

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., April 11, 1902.

In the matter of the application of Charles C. Smith et al
for enrollment as Cherokee Freedmen.

SUPPLEMENTAL TO D-414.

Applicants represented by Mellette & Smith, Virita, I. T.
Cherokee Nation represented by W. W. Hastings and J. S.
Davenport.

The Cherokee Nation by its representatives makes satisfactory
proof of service on the applicants' attorneys, Mellette & Smith,
that it would on the 11th day of April, 1902, at the offices of the
Commission at Muskogee, Indian Territory, introduce testimony tend-
ing to disprove the right of the said Charles C. Smith et al to
enrollment as Cherokee Freedmen.

The applicants and their attorneys have this day, to wit the
11th day of April, 1902, been called and fail to appear either in
person or by attorney.

HATTIE DRAKE, being first duly sworn, testified as follows:

MR. HASTINGS: What is your name? A Hattie Drake.

Q What is your age, Mrs. Drake? A 48 my next birthday.

Q Where do you live? A Lawrence, Kansas, Douglas County.

Q How long have you been living in Lawrence, Kansas? A Well,
I was brought there when I was quite a little girl, and I lived
there until after I was married, and then I went away and lived ten
years, and then moved back to Lawrence and been there ever since, and
that's been about seventeen years.

Q Well, where were you living when the war closed? A I was
living in Lawrence, not in the city, in the country just a little
piece from town.

Q Well, did you move into town after that, after the close of the
war, immediately after the close of it? A No, sir.

Q You were living right in the edge of the town? A Yes, sir,
you might say; I went to school in town.

Q Did you know a colored woman by the name of Matilda Dannenberg?

A I knowed a colored woman by the name of—knowed of her—by the
name of Matilda Colbert.

Q Well, did you know any of her children? A Yes, sir.

Q What were their names? A One was named Jane and one was named
Emily.

Q Did they have a brother there by the name of Jim? A Yes, sir,
there was a little boy they called him either Jim or James, it
seems to me they called him Jimmy.

Q Where did you know these girls? A I went to school with them
in North Lawrence.

Q Was that after the war closed? A Yes, sir, I am pretty
certain it was, I knew where we lived when the war closed, and I
went from there to school.

It was after this time? A Yes, sir.

Q How long did you go to school with them? A Well I couldn't tell
just exactly how long, but I went to school two different times, I
won't say terms, because I never did go to school a whole term in
my life, but two different times I was at school with Jane and Emily;
I won't say that I went to school with the little boy, but I have
seen him, know him.

Q And you know of their mother? A Yes, sir, I knew of their mother.

Q Did you know about where she lived in the town or city? A Well, I don't know as I was ever at her house, but my understanding was that she lived on Walnut Street in North Lawrence.

Q You knew of her living there? A Heard of it, yes, sir, heard of her living there.

Q You went to school two different times with them? A Yes, sir.

Q Do you remember what years they were? A No, sir, I couldn't tell you.

Q Couldn't tell? A No, sir.

Q Do you know what became of these girls? A No, sir, I don't know what became of them, but I heard, I heard that they moved from Lawrence to Topeka, but I never did see them in Topeka.

Q Well, do you know whether Emily was married there or not? A I didn't see her married, I heard that she was.

Q Where? A In Lawrence.

Q To whom? A A man by the name of-- I heard her husband was named Rose. John, I believe, Rose.

Q You only heard of this like any other circumstance in the town?

A Yes, sir. I didn't see them married and didn't know her husband.

Q Didn't know her husband? A No, sir.

Q Was she married when she left there? A If she was I never heard of it.

Q You heard when they left there that they went to Topeka? A Yes, sir, what I heard; Never saw them in Topeka at all.

Q Never saw them? A No, sir.

COMMISSIONER: How old did you say you were? A I am 47 past, I will be 48 years old the first day of June.

Q Where do you live? A I live in Lawrence, Kansas, Douglas County.

Q When did you first begin to know the mother of these children that you are speaking of? A Well, I didn't know the mother so well, I have just heard of her, know of her.

Q When did you begin to know the children? A Then I was going to school with them.

Q You don't know when that was? A I couldn't tell you what year, no, sir.

Q About how old were you, have you any idea? A Well, I was about 12 or 13, between 12 and 13 years old I will say; my mother didn't exactly know my age, but that's what she says that she was--

Q Sometime after the close of the war was it? A Yes, sir.

Q Well, now, how long did those people continue to reside in the same community where you were living? A After I got acquainted with them.

C Yes. A Well, I couldn't tell you.

Q Were they living there when you came, or did they come afterward? A I couldn't tell you that.

Q Haven't you any idea how long they continued to live there?

A No, sir, I don't know how long they lived there.

Q Do you know when they came to your neighborhood? A No, sir, I lived kind of in the country, and the cause of my knowing these girls I went to school with them, I met them first, I can remember I met them at school.

Q That was after the close of the war was it? A Yes, sir.

Q Do you know where they came from? A No, sir.

Q How long did you continue to know them at that place? A Well I couldn't tell that exactly; I know I went to two different schools with Emily and Jane, and I couldn't tell you just how long, I was quite a little girl myself.

Q Did you ever miss them from that neighborhood during the time that you were there? A Yes, sir.

Q Do you know where they went to? A I don't know where they went to, I heard they went to Topeka.
 Q You don't know then that they did go to Topeka? A No, sir, I nev'r seen them there.
 Q Have you seen them since they left that place? A No, sir.
 Q Have you ever heard of any of them? A Yes, sir.
 Q Where were they living when you heard about them? A I heard that they was living in Topeka.

JOHNATHAN JONES, being first duly sworn, testified as follows:

MR. DAVENPORT: What is your name? A Johnathan Jones.
 Q Where do you live, Mr. Jones? A In Topeka, Kansas.
 Q How long have you lived in Topeka? A Ever since '86, February '86.
 Q You went there after the close of the war? A After the close of the war, I was mustered out—
 Q What part of the city did you locate in when you first went there? A When I first went, just outside of the town, out on the prairie just outside of the town.
 Q Well, after you went to Topeka, Kansas, did you get acquainted with a colored woman by the name of Filly Dannenberg or Matilda? A Filly Colbert she was called when I first got acquainted with her.
 Q Well, do you know whether or not this Filly Colbert as you know her had any family? A Well, yes, sir, she had three children.
 Q What were their names if you know? A There was Emma and Jane and Jim.
 Q Was either of them married when you first got acquainted with them? A Well, yes, sir, Emma was married.
 Q Do you know what her husband's name was? A John Rose.
 Q Did you ever get acquainted with John Rose while they lived there? A Yes, sir.
 Q Well, was Jane married or not? A Well, she married afterwards, after they went to Topeka.
 Q Do you know to whom she was married? A Oh yes, sir.
 Q What was her husband's name? A Charley Smith.
 Q Now about that year, about how long had you been in Topeka before you got acquainted with Matilda Colbert? A Well, I suppose I had been there about two years before I got acquainted with them, I ain't positive, a year or two anyway, I can't say positively.
 Q How far did you live from them when they first located? A Well, when I first got acquainted with them I lived—they lived on Jefferson and I lived down on—
 Q Jefferson street you mean? A Yes, sir, on Jefferson street, and I lived down on Washington close to Crane.
 Q Well, did they afterwards move? A Yes, sir, they moved and lived about, I suppose from here over to the building across the way. (Pointing across the street.)
 Q What street did they live on then? A Crane street.
 Q How far from you then did they live when they lived on Crane? A Well, about as far as from here over to that building across the street.
 Q About how far would you estimate that? A They was about half their lot.
 Q About half a block? A About half their lot, just the length of 150 feet their lot was you know, and they was a little over half way from me.
 Q Well, now, did this woman Matilda Colbert as you know her, marry any more while you knew her? A Well, I can't tell you whether she

married or not, but it strikes me that she did.
Q Now Mr. Jones, how long after you got acquainted with Matilda
Colbert and her children did they continue to live in Topeka or near
Topeka? A Well, I suppose they lived there about six years,
somewhere about that, after I got acquainted with them, five or
six years at least as I can recollect.

Q Well now while the family lived there was you well acquainted
with them? A Oh, I was, yes, sir.

Q About how often would you see them when they were living on
Crane Street? A Every day.

Q Did they continue to make that their home? A Yes, sir, till
they sold out to come down.

Q Do you know whether or not they owned their property there? A
Yes, sir, she owned it.

Q Now this Jim you speak of, what name had he at that time? A Jim
Colbert.

Q And Jane had married Charley Smith while? A She was Jane
Colbert when they first went there.

Q And Emily had married? A Married John Rose when they first
came.

Q Well, now, do you know where they said they came from when they
came to Topeka, where did they say they came from? A Lawrence.

Q Lawrence, Kansas? A Yes, sir.

Q Well, now, about what year did they leave or move away from
Topeka, Mr. Jones? A I suppose in '73 or '4, I ain't positive
just which, but somewhere along there.

Q They came to Topeka about what year? A They came there I
suppose, just my idea is as well as I can recollect, in '68 or
I couldn't say positively, but '68 or '9.

Q Went away from there about '73 or '4? A Yes, sir.

Q Somewhere along there? A Somewhere there in that neighborhood,
might close about that.

COMMISSIONER: You didn't learn to know these people until about
two years after you came to Topeka, Kansas? A Well, somewhere
about that, I couldn't say positively just exactly what time, but
then somewhere in the neighborhood of two years I got acquainted.

Q It was approximately two years after you came to Topeka when you
first learned to know them? A Yes, sir.

Q You went to Topeka in '66? A In '66.

Q You don't know where these people were in '66? A I don't.

Q Haven't any idea? A No, sir.

Q Well now how long did they continue to reside there at Topeka,
Kansas, about how long? A Well, I suppose they staid there some
five or six years.

Q Do you know where they went to then? A Well, yes, sir,
they came down to the Territory.

Q To the Cherokee Nation? A Yes, sir.

Q Haven't they resided in Topeka since that time? A No, sir, not
that I know of.

MR. DAVENPORT: The Cherokee Nation offers in evidence a cer-
tified copy of a marriage license of Joseph Lacy, of Topeka, Kansas,
to Matilda Hammettburg, of Topeka, Kansas, dated February 6, A. D.
1863; also marriage license of William Rose, of Topeka, Kansas,
to Matilda Lacy, of Topeka, Kansas, dated April 5, 1873; said
documents being as follows:

State of Kansas, ss. Office of Probate Judge of said County.
County of Shawnee. ss. Office of Probate Judge of said County.
Be it remembered, that on the sixth day of February, A. D. 1863,
from the office of said Probate Judge, a Marriage

ence, of which the following is a true copy:

---:Marriage License:---

Shawnee County, State of Kansas, February 6,
A. D. 1869.

To Any Person Authorized by Law to Perform the Marriage Ceremony
Greeting:

You are hereby authorized to join in Marriage, Joseph Lacy of Topeka, aged 28 years and Matilda Denimburg, of Topeka, aged 30 and of this License you will make due return to my office within thirty days.

(Seal) Lewis Hamback, Probate Judge.

And which said Marriage License was afterwards, to wit: on the 25th day of February, A. D. 1869, returned to said Probate Judge, with the following certificate endorsed thereon, to wit:
State of Kansas, County of Shawnee, SS.---

I, Thos. Wilson, Clergyman do hereby certify, that in accordance with the authorization of the within license, I did on the 7th day of February, A. D. 1869, at Topeka, in said County, join and unite in Marriage the within named Joseph Lacy and Matilda Denimburg.

Witness my hand and seal this day and year above written.

Thos. Wilson.

Attest:

Lewis Hamback,
Probate Judge.

State of Kansas,

County of Shawnee.

} Office of Probate Judge of said County.

Be it remembered, That on the 15th day of April, A. D. 1873, there was issued from the office of said Probate Judge, a Marriage License, of which the following is a true copy:

---:Marriage License:---

Topeka, Shawnee County, State of Kansas,
April 5th, A. D. 1873.

To Any Person Authorized by Law to Perform the Marriage Ceremony
Greeting:

You are hereby authorized to join in Marriage, William Rose of Topeka, Kansas, aged 24 years and Matilda Lacey of Topeka, Kansas, aged 33 years and of this License you will make due return to my office within thirty days.

(Seal) D. C. Metaker, Probate Judge.

And which said Marriage License was afterwards, to wit: on the 30th day of April, 1873, returned to said Probate Judge with the following Certificate endorsed thereon, to wit:
State of Kansas, Shawnee County, SS.---

I, Rev. E. S. Corn, do hereby certify that in accordance with the authorization of the within license, I did on the sixth day of April, A. D. 1873, at Topeka, in said County, join and unite in Marriage the within named William Rose and Matilda Lacey.

Witness my hand and seal this day and year above written.

E. S. Corn.

Attest:

D. C. Metaker,
Probate Judge.

I, W. E. FAGAN, Judge and ex officio Clerk of the Probate Court within and for the County of Shawnee and State of Kansas, do hereby certify that the above and foregoing is a full, true and correct copy of the original marriage license issued by the Probate Judge of this

county to Joseph Lacy and Matilda Donahue, the original marriage license issued by said Judge to William Rose and Matilda Lacy, and of the original returns endorsed on said licenses by the persons performing the marriage ceremony as the same appears on file and of record in my office.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Court, at my office in the City of Topeka, this 5th day of April, 1902.

W. E. Fagan, Probate Judge.

(Seal)

Also a certificate which is as follows:

Topeka, Kansas, April 4, 1902.

State of Kansas,) ss.
Shawnee County,)

I, F. L. Stephens, Reg. of Deeds of above named county and state, do hereby certify that the records of this office show that one Matilda Lacy acquired title to lot No. 352 on Crane Street in Crane's Add. to Topeka, Kansas, from F. L. Crane, on the 2d day of June, 1874, and further show that she disposed of lot No. 352 on Crane Street in Crane's Add. to Topeka, Kansas, to one Lucille Freeman on the 18th day of June, 1874.

Witness my hand and seal of office this 4th day of April, A. D. 1902.

(Seal and stamp)

F. L. Stephens,
Reg. of Deeds Shawnee County, State of Kansas.

The representatives of the Cherokee Nation offer in evidence a certified copy of marriage license of John J. Rose, of Douglas County, Kansas, to Emma Pollard, Douglas County, Kansas, dated June 28, 1867.

COMMISSION: This testimony will be filed with and made a part of the record in the following Cherokee Freedmen cases: D-474, D-511, D-580, D-518, D-591, D-504, D-477, D-516, D-617, D-515, D-582, D-585, and in the case at bar, D-514.

Arthur G. Croninger, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the testimony and proceedings in the above case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Arthur G. Croninger

Subscribed and sworn to before me this 14th day of April, 1902.

Phyllis F. Fenton
Notary Public

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., May 31, 1908.

In the matter of the application of Phyllis Gunter for enrollment as a Cherokee freedman.

By W. W. Hastings: Comes now the Cherokee Nation and represents to the Commission that they have made every effort in the world to get service upon the applicant, Phyllis Gunter, and that they have sent numerous registered letters to her postoffice address given by her, the same being Coffeyville, Kansas, and that none of them were accepted by her and that on last Wednesday they sent a notice to a special deputy whose postoffice is Coffeyville, Kansas, asking that service be gotten upon this woman and the same could not be gotten by the Cherokee Nation, and that the Cherokee Nation is perfectly willing for the Commission to cross-examine the witness that they desire to introduce, or appoint some attorney to cross-examine the witness, which we will be glad that the Commission would do.

Commission: Well who is your witness? A Mr. Bell.

Cross-examination by courtesy of Mr. Smith, appointed by the Commission.

L. B. Bell, being sworn and examined, testified as follows:

By W. W. Hastings: What is your name? A L. B. Bell.

Q What is your age? A 63 or 64 somewhere along there. I live at Vinita.

Q I will ask you if you knew John Latty before the war? A Yes, I knew a John Latty before the war.

Q Where did he live? A Near Evansville, Arkansas, right on the line.

Q In Arkansas or the Cherokee Nation? A In Arkansas.

Q Did you know a Jane Starr? A Yes, I knew a Jane Starr.

Q Who did she marry? A She married a man by the name of James Johnson.

Q Did ever a Jane Starr marry a Latty? A Not that I know of, Johnson died and she died.

Q Your wife was a Starr? A Yes, I have known the Starr family ever since I could recollect; there was but one.

Q Was this John Latty a citizen of the Cherokee Nation or a citizen of Arkansas? A He was a citizen of Arkansas; he married a woman by the name of Shannen, a white woman.

Mr. Smith: Was she a Cherokee or not? A She was a white woman, not a Cherokee.

Q Now what was the woman's name that the counsel asked you about as to whether this man had married, what Starr was it? A I think her name was Sarah Jane, the whole of it.

Q Who was Sarah Jane? A The daughter of Luke Starr.

Q There is another Starr in the Cherokee Nation except that family in the Cherokee Nation is there? A Not that I know of; there was Sevenstarrs among the Cherokee full bloods, a few of them are now called Starrs; Jim Starr is now one of them.

Q Did they swindle down before the war or afterwards? A I think since the war.

Q This Jim Starr never took the name of Starr until way after the war.

Q All of the Starrs who are Cherokees now are not related are they?

A I think they are; there was one original Caleb Starr in this country and married a Miss Garland and she had seventeen sons; seven originally, and I think one of his sons had seventeen sons and fifteen or sixteen of them reached manhood.

Q How many years ago has that been? A Well old Jim Starr was killed about '48; that was the daddy of them sixteen; they lived on up. George Starr is the one alive of the old man Caleb Starr.

2-Phyllis Gunter-

Q About how many Starrs do you think were citizens in the year 1861 when the war commenced? A I expect there was as much as five or six or seven men and may be ten. You see them Starrs were killed up like bees from '45 to 1866.

Q How many Starrs do you think there are now? A I don't keep the run of them, there are three or four of my wife's immediate family, three living brothers, and then here is Gale, another member of the family, he has two or three brothers. I suppose there are 15 or 20, outside of the woman folks.

Q Well how did you know any Jane Latty who was a citizen of the Cherokee Nation? A No, I never was acquainted with a Jane Latty of the Cherokee Nation.

Q You don't know whether there was or was not one? A No, I wouldn't say there wasn't.

Q You don't know the applicant in this case at all? A No sir.

Q All you know is that the Jane Starr about whom you speak didn't marry a man by the name of Latty? A Yes, the one I speak of was raised about Evansville, Arkansas, and she didn't marry a man by the name of Latty; she married a man by the name of Johnson; she married a Cherokee.

Q She was married but once? A But once.

Q That is, as far as your knowledge with reference to this applicant goes? A Yes, that is all I knew, and the John Latty I speak of he lives in Evansville, Arkansas. I knew him well, he was a deputy marshal here, he has been living around there ever since I can recollect.

Q How intimate was your acquaintance with this Jane Starr, who was formerly a Starr, did you know her well or just know of her through family history? A I knew her when I saw her; they were all kin folks and I would be amongst them; I wasn't very intimately acquainted with them farther than that.

Q You never saw them often before the war? A No, I don't suppose I did, I lived about forty miles away from them.

Q How long was it before the war that you saw this lady? A It had been several years. I saw her sometimes during the war.

Q Where did she live at the time the war commenced? A Around near Evansville.

Q In the nation or out? A In the nation at the time the war commenced.

Q You don't know whether she owned any slaves or not? A I couldn't say, she might have owned slaves.

Q This woman might have got her name wrong as to who she married?

A I don't know, you can get at that as good as I can.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 16th day of June, 1902.

Notary Public.

FILED
JUL 12 1908
COMMISSION TO FIVE TRIBES

RECEIVED

George S. [illegible]

RECEIVED BY THE COMMISSION TO FIVE TRIBES JUL 12 1908

1908-01

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MUSKOGEE, I. T., JUNE 18, 1904.

SUPPLEMENTAL PROCEEDINGS had in the matter of the application for the enrollment of PHYLLIS GUNTER as a Cherokee freedman.

It appears that on May 18, 1904, the applicant and the attorney for the Cherokee Nation were notified by letter that an opportunity would be given each of them to appear before the Commission at its offices in Muskogee, Indian Territory, on June 16, 1904, and then and there introduce further testimony touching the points mentioned in said letter. Upon motion of the attorney for the Cherokee Nation this case was continued from June 16, to June 17, 1904.

The Cherokee Nation appearing with its witnesses on June 16, 1904, and there being no appearance on behalf of applicant, the case was continued until nine o'clock on June 18, 1904, when the following testimony was introduced on behalf of the Cherokee nation:

APPEARANCES:

No appearance on behalf of applicant.
Cherokee Nation by its attorneys, W. W. Hastings and L. B. Bell.

T. F. LATTA, being first duly sworn, testified as follows:

By the Commission:

- Q What is your name? A T. F. Latta.
Q How old are you? A Will be 54 in December.
Q What is your postoffice address? A Tahlequah now.
Q Are you a citizen of the Cherokee Nation? A No, sir.

By Mr. Hastings:

- Q Where were you living when the war came up? A In Arkansas, Washington county.
Q What was your postoffice? A Evansville at that time.
Q How far were you living from the Cherokee line? A I suppose it was about two miles; that is, most of the time and part of the time father lived in Evansville.
Q What was your father's name? A John Latta.
Q What was your grandfather's name? A John Latta.
Q Your grandmother's name? The wife of your grandfather Latta?
A Her given name was Jane.
Q What was her maiden name? A Starr.
Q She was Jane Starr? A Yes, sir, before she was married.
Q What was her citizenship? A She was a white woman.
Q Citizen of the United States? A Yes, sir.
Q Not a Cherokee? A No, sir, she didn't claim it; not that I ever heard of.
Q Where did your grandfather, John Latta, and Jane Latta, nee Jane Starr, live when the war came up? A When the war came up they lived in Crawford county five miles north of Van Buren, but they only lived there two years.
Q Where previous to that time? A In Washington county, about three miles northeast of Evansville.
Q Is Evansville upon the line between Arkansas and the Cherokee Nation practically? A Yes, sir, close to the line, the line runs near the edge of the town, I think.
Q Did your grandfather and grandmother have any slaves? A Yes, sir.

Q Do you know whether they had a slave by the name of Phyllis?
 A They had a colored girl by that name.
 Q About how old was she when the war came up? A I suppose when the war came up she was, I guess, 15 years old; she was a little older than I was.
 Q How old are you? A Will be 54 in December.
 Q You think she was a little older than you? A Yes, sir.
 Q Do you know whether or not they owned her at the commencement of the war? A Yes, sir, her and her mother.
 Q What was her mother's name? A Mariah.

Mr. Hastings: Just here the Cherokee Nation calls attention to the fact that the testimony does not show the name of the mother of the applicant, Phyllis Gutter, and asks that the name be taken from the enrollment card.

Commissioner: The enrollment card in the application of Phyllis Gutter for enrollment as a Cherokee freedman shows the name of the applicant's mother to be Mariah Starr. This card is made out at the time of the applicant's appearance before the Commission for enrollment as a Cherokee freedman and the information contained on the card is taken from the statements of the applicant.

Q Did your grandfather own Phyllis Gutter and her mother at the commencement of the war? A Yes, sir, she went then by the name of Phyllis Latta; he owned them up until the war was in progress when they left him. Mariah went to Texas with one of my uncles and when another one of my uncles left up there, Jim Latta, Phyllis quit and I never heard of her any more; that was after the war had commenced.
 Q Did you know of any other Lattas around Evansville, Arkansas that were not relatives of your family? A No, sir, I did not. Boyd Latta was a cousin of ours, lived at Gun's Hill at the time. Our family were the owners only ones in the country that I know of.
 Q Did you ever know of another John Latta who married a Jane Starr other than your grandfather? A No, sir.
 Q This Jane Starr didn't claim Cherokee blood and to live in the Cherokee Nation? A No, sir.
 Q Never did? A No, sir.
 Q Where was she from originally? A South Carolina.
 Q How long had they lived in the western part of Arkansas? A They moved to Washington County in 1838; grandmother died there in 1856, as well as I remember; they moved on the place and lived there until she died.

By the Commission:

Q You say you don't know what became of Phyllis during the war?
 A No, sir, after she left my uncle's I don't know what became of her.
 Q In what year did she leave your uncle? A As well as I remember I think it was in 1862, I reckon; '61 or '2; '62 I think it was.
 Q And have you ever seen her since that time? A No, sir, never have.
 Q Do you know whether or not that is the person who has applied here for enrollment as a Cherokee freedman? A No, sir, only it was her name.
 Q And who gives her postoffice as Coffeyville, Kansas? A I don't know only just the name; I know that grandfather had a colored girl by that name and her mother was named Mariah.
 Q You never knew of another Phyllis in that neighborhood? A No, sir.

By Mr. Hastings:

Q Was there any John Latta that married a Cherokee so far as you know on the Cherokee side whose postoffice address would have been Evansville, Arkansas? A None that I know of.

R. F. MILLER, being first duly sworn, testified as follows:

By Mr. Hastings:

Q What is your name, age and residence? A R. F. Miller, Muskogee; I am 60 years old, past.

Q What is your citizenship? A United States.

Q Where did you live at the beginning of the war? A Near Evansville, Arkansas, Washington county.

Q Did you know this last witness that just left the stand, T. F. Latta? A Yes, sir, I have known him from childhood.

Q Did you know his grandfather, John Latta? A Yes, sir.

Q His grandmother? A Yes, sir.

Q What was her name? A Jane.

Q Did you know what her maiden name was? A I have always understood that it was Starr.

Q Where did this John Latta and his wife, Jane, live prior to the war? A Up till just before the war they lived joining farms to me-- my father their near Evansville. Aunt Jane Latta died, I suppose, about '54, I was about 10 years or 12 years old when she died; she died along about '54, '5, or '6, just about the beginning of the war uncle John Latta bought the place down near Van Buren and moved there and died there.

Q Do you know whether this John Latta had a slave by the name of Phyllis? A Yes, sir, knew her well.

Q Did he own her at the beginning of the war? A Yes, sir.

Q They lived on joining farms to you before they went to Van Buren?

A Yes, sir, about 1/2 miles of each other.

Q Did you know this girl's, whose name was Phyllis, did you know her mother? A Yes, sir.

Q What was her name? A Mariah.

Q Did this John Latta or his wife either claim Cherokee citizenship? A Not that I ever heard; if they--- they used to talk that she was some kin to Aunt Ruth Bean.

Q But they always lived in the state? A Yes, sir, and never lived in the territory.

Q Never were recognized citizens of the Cherokee Nation? A No, sir.

Q They claimed kin on the white side? A Yes, sir, I think old man Starr was a white man away back I don't know how far back.

Q Did you know any John Latta who married any other Jane Starr in that vicinity, either on the Cherokee or on the Arkansas side? A No, sir, I know a John Latta, this Frank's father, married a Shannon.

Q Was there any other John Lattas in that county, except this T. F. Latta's father and his grandfather? A Yes, sir, old uncle John Latta had a brother named Sam and he had a boy they called John

Leander, but he married a Chancellor there and went to Texas.

Q She was a white woman? A Yes, sir.

Q All the three John Lattas that you know of this family married white women? A Yes, sir.

Q None married--citizens of the Cherokee Nation? A No, sir.

Q Were they related to you any way? A Not at that time; since the war they have married around until they are connection by marriage; T. F. Latta married my cousin.

O-O-O-O-O-O-O-O

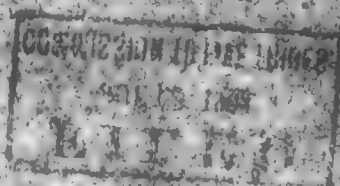
H. M. Vance, being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes, he reported the proceedings had in the above entitled cause, and that the above and foregoing is a true and correct transcript of his stenographic notes

Witness:

Subscribed and sworn to before me this the 13th day of July, 1891.

Charles H. Hays

Notary Public.



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DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Phyllis Gunter for
enrollment as a Cherokee Freedman:

D E C I S I O N

The record in this case shows that on June 3, 1901, Phyllis Gunter appeared before the Commission at Chelsee, Indian Territory, and made personal application for enrollment as a Cherokee Freedman. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, on May 31, 1902.

The evidence shows that the applicant, Phyllis Gunter, was the slave of a Cherokee citizen at the commencement of the war of the rebellion; that during said war she left the Cherokee Nation but returned thereto in 1866.

The evidence further shows that the said Phyllis Gunter has continuously resided in the Cherokee Nation since 1866.

It is, therefore, the opinion of this Commission that Phyllis Gunter should be enrolled as a Cherokee Freedman, in accordance with the provisions of Section twenty-one of the Act of Congress approved June 25, 1896 (29 Stat., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED)

Tame Dixie

(SIG.)

T. B. Needles

(SIG.)

C. R. Brockmire

(SIGNED)

W. E. Shaffer

Muskogee, Indian Territory,

this JUL 10 1902

9867

Cherokee Freedman D-477

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment
of Phyllis Gunter as a Cherokee Freedman.

D E C I S I O N.

The record herein shows that on June 1, 1901, Phyllis Gunter appeared before the Commission at Chelsea, Indian Territory, and made application for the enrollment of herself as a Cherokee Freedman. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, May 31, 1902. A copy of the testimony taken at Chelsea, Indian Territory, June 1, 1901, and at Vinita, Indian Territory, October 23, 1901, in re application of John J. Howe, et al., to be enrolled as Cherokee Freedmen, Case No. D-474; at Chelsea, Indian Territory, June 5, 1901, and at Muskogee, Indian Territory, February 23, 1902, in re application of Emily Helen et al., to be enrolled as Cherokee Freedmen, Case No. D-511; and at Muskogee, Indian Territory, April 11, 1902, in re application of Charles S. Smith et al., to be enrolled as Cherokee Freedmen, Case No. D-514, is filed herewith and made a part of the record in this case.

The record further shows that on July 10, 1903, this Commission rendered a decision herein enrolling the applicant as a Cherokee Freedman, and that the proceedings in said case were duly forwarded to the Department. Departmental letter of May 9, 1904, (I. T. D. 2416-04), remanded said case for "rehearing and readjudication". Supplemental proceedings in the matter of said application were had at Muskogee, Indian Territory, June 18, 1904.

The evidence herein shows that the applicant, Phyllis Gunter, was not the slave of a Cherokee citizen, nor a free colored person residing in the Cherokee country, at the commencement of the war of the rebellion.

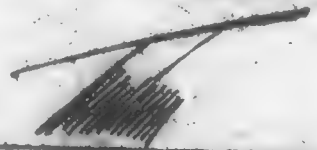
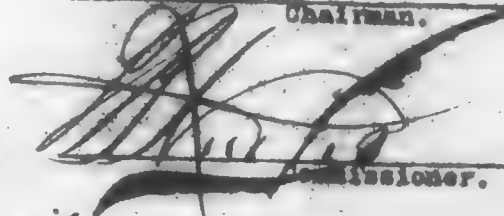

The evidence further shows that after the close of said war, applicant came to the Cherokee Nation with Spencer Bell et al. In the consolidated case of Mariah Johnson, Cherokee Freedman D-493-, D-494, and D-791, this Commission, under date of July 10, 1904,

--2--

rendered a decision in which they found that the said Spencer Bell did not return to the Cherokee Nation within the time stipulated in the Treaty of 1866, for the return of freedmen to the Cherokee Nation, said decision being affirmed by the Department in Departmental letter of September 26, 1903 (I.T.D. 6174-03). The applicant can not be identified on the Cherokee authenticated tribal roll of 1880.

It is, therefore, the opinion of this Commission that the application for the enrollment of Phyllis Genter as a Cherokee Freedman, should be denied, under the provisions of section twenty-one of the Act of Congress approved June 28, 1896, (30 Stat. 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.


Chairman.

Commissioner.

Commissioner.

Muskogee, Indian Territory,
this JAN 11 1905

COPY.

Cherokee Freedman
D-477.

Muskogee, Indian Territory, July 17, 1903.

W. W. Hastings,

Attorney for Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated July 10, 1903, granting the application of Phyllis Gunter for the enrollment of herself as a Cherokee Freedman.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which protest you will be required to serve upon the applicant. If you fail to file protest within the time required, this decision will be considered final.

Respectfully,

T. B. A. [Signature]

Commissioner in Charge.

Enc. N-53.

COPY

Cherokee Freed-
man D-477.

Muskogee, Indian Territory, August 5, 1903.

W. W. Hastings,

Attorney for the Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

The Commission is in receipt of your letter of July 28, asking for a copy of the testimony of L. B. Bell in Cherokee Freedman D 477, Phyllis Gunter, and for ten days additional time in which to file your protest in that case.

A copy of the testimony requested is herewith enclosed. Considering the fact that you were not in possession of the complete record in this case, your request for ten days additional time in which to prepare a protest will be granted.

Respectfully,

I. B. Needles.

Commissioner in Charge.

Enc. L. 4 ,

COMMISSIONERS:

TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
W. E. STANLEY.

ALLISON L. AYLESWORTH,
SECRETARY.



ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee Freedmen
D-477

Muskogee, Indian Territory, August 24, 1903.

Phyllis Gunter,
Coffeyville, Kansas.

Dear Madam:

There is herewith enclosed a copy of the record of proceedings had in the matter of your application for enrollment as a Cherokee Freedman, together with a copy of the Commission's decision dated July 10, 1903, granting your said application.

You are hereby advised that the Cherokee Nation protests against the action of the Commission in this case, a copy of which protest has been furnished you by the attorney for the Nation.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,



Enc. D-186
Register

Commissioner in Charge.

COPY.

Cherokee Freedman
D-477

Muskogee, Indian Territory, August 24, 1906

The Honorable

The Secretary of the Interior

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application of Phyllis Genter for the enrollment of herself as a Cherokee freedman, together with the Commission's decision dated July 10, 1903, granting said application.

You are advised that the Cherokee Nation protests against the action of the Commission in this case, a copy of which protest is enclosed.

Respectfully,

I. B. Needles.

Commissioner in Charge.

Through the
Commissioner of Indian Affairs.

Enc. D-186

Refer in reply to the following:

~~LAND~~
55263/1903.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON,

March 17, 1904.

C O P Y .

The Honorable,

The Secretary of the Interior.

Sir:

There is enclosed herewith a report from the Commission to the Five Civilized Tribes, dated August 24, 1903, transmitting the record relative to the application of Phyllis Gunter for enrollment as a Cherokee Freedman.

Phyllis Gunter was the slave of James Starr, a Cherokee Citizen at the commencement of the war. During the war she went to Kansas and she testified positively that she returned in July, 1866.

John Baldridge, a recognized citizen of the Cherokee Nation, testified that the applicant returned in 1866. Nelson Merrill testified that he first saw the applicant in the Cherokee Nation in 1871 or 1872, but that he did not know whether she returned in 1866. L. B. Bell did not know whether the applicant left the Nation during the war and if so when she returned. Charley Chambers testified that he did not know when Phyllis Gunter returned.

The Cherokee Nation, by its attorney, attacks the veracity of John Baldridge and says that he is wholly unworthy of belief and the people in the vicinity where he lives " would not believe

a word he says".

The record in the case conclusively established the fact that the applicant returned to the Cherokee Nation before the expiration of the time limit fixed by the treaty of 1866, and in view of the record the approval of the Commission's decision favorable to her is recommended.

Very respectfully,

A. C. Tomner,
Acting Commissioner.

GAW-E

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

FHE

I.T.D. 2416-1904.

May 9, 1904.

L. RS

Commission to the Five Civilized Tribes,
Tushagee, Indian Territory.

Gentlemen:

March 17, 1904, the Acting Commissioner of Indian Affairs submitted the case involving the application for the enrollment of Phyllis Gunter as a Cherokee freedman, and recommended that your decision of July 10, 1903, in favor of the applicant, be concurred in.

The Nation protests against your decision.

The testimony is entirely too unsatisfactory to warrant the enrollment of the applicant. Her statement that she was the slave of a Cherokee citizen is not corroborated by any positive testimony. It is made doubtful by the testimony introduced by the Nation. Neither is her allegation that she returned to the Nation in 1866 sustained by competent evidence, if her main witness is wholly unreliable, as contended by the Nation. The Department is convinced that more satisfactory evidence can be produced for or against this applicant, and therefore remands the case for rehearing and readjudication.

A copy of the Acting Commissioner's letter is inclosed, together with the testimony and papers attached thereto.

Respectfully,

(Signed) Thos Ryan
Acting Secretary.

2 inclosures.

Cherokee Freedman
B 477

Muskogee, Indian Territory, May 12, 1904.

W. W. Hastings,

Attorney for the Cherokee Nation,
Tahlequah, Indian Territory.

Dear Sir:

In the matter of the application of Phyllis Gunter for enrollment as a Cherokee freedman, you are advised that the Commission is in receipt of Departmental letter of May 9, 1904, remanding the Commission's decision of July 10, 1903, granting said application, and directing that the applicant and the Cherokee Nation be given an opportunity to introduce further testimony tending to show conclusively whether or not the applicant is entitled to enrollment as a Cherokee freedman.

The applicant has accordingly this day been directed to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M., on Thursday June 16, 1904, and introduce testimony as above indicated. The Cherokee Nation will be permitted to appear on that date and introduce such testimony as it may desire.

For your information there is herewith inclosed a copy of the Department's letter above referred to.

Respectfully,

Encl. V-69

Chairman.

COMMISSIONERS
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRACKINRIDGE

WM O BEALL,
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

1709

REFER IN REPLY TO THE FOLLOWING

Cherokee Freedman
D 477

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, May 12, 1904.

Phyllis Carter,
Geffeyville, Kansas.

Dear Madam:

In the matter of your application for enrollment as a Cherokee freedman, you are advised that the Commission is in receipt of Departmental letter of May 9, 1904, remanding the Commission's decision of July 10, 1903, granting your application, and directing that the applicant and the Cherokee Nation be given an opportunity to introduce further testimony tending to show conclusively whether or not you are entitled to enrollment as a Cherokee freedman.

You are accordingly hereby directed to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M., on Thursday June 16, 1904, and introduce testimony as above indicated.

For your information there is herewith inclosed a copy of the Department's letter above referred to.

Respectfully,



Commissioner in Charge.

Encl. 7-42

COMMISSIONERS
JAMES BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

WM. O. BEALL,
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

1209
REFER IN REPLY TO THE FOLLOWING.

Cherokee Freedmen
D-477.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, May 21, 1904.

Phyllis Gunter,
Coffeyville, Kansas.

Dear Madam:

In the matter of your application for enrollment as a Cherokee freedman, which case was set for further hearing at Muskogee, at nine o'clock A.M., Thursday, June 16, 1904, you are advised that upon motion of the attorney for the Cherokee Nation a continuance of one day has been granted.

You will, therefore, appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M., on Friday, June 17, 1904, at which time further hearing will be had in your case.

Respectfully,



Commissioner in Charge.

COPY.

Cherokee Freedman.

P-477.

Muskogee, Indian Territory, January 11, 1906.

Hell, Hastings & Davenport,
Attorneys for the Cherokee Nation,
Muskogee, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated January 11, 1906, rejecting the application for the enrollment of Phyllis Gunter as a Cherokee Freedman.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Incl. 5-27.

(SIGNED)

Tamr Dixby.
Chairman.

COPY.

Cherokee Freedman
B-499.

Muskogee, Indian Territory, January 11, 1905.

The Honorable,

The Secretary of the Interior,

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application for the enrollment of Phyllis Gunter as a Cherokee freedman, including the Commission's decision dated January 11, 1905, rejecting said application.

Respectfully,

Incl. 3-88.

(SIGNED).

James Dixby
Chairman.

Through the

Commissioner of Indian Affairs.

(COPY)

Cherokee Freedmen
D-477

Muskogee, Indian Territory, January 11, 1905.

Phyllis Gunter,

Coffeyville, Kansas.

Dear Madam:

There is herewith inclosed a copy of supplemental proceedings had in the matter of your application for enrollment as a Cherokee freedman, together with a copy of the Commission's decision dated January 11, 1905, rejecting your said application. You have heretofore been furnished with a copy of the record of proceedings had at the original hearing.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

(Signed) TAMS BIXBY.

Chairman.

Incl. 9-25
Register.

Replied to the following:

Land.
3872-1905.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

January 21, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

There is enclosed a report from the Commission to the Five Civilized Tribes, dated January 11, 1905, transmitting the record of the application for enrollment as a Cherokee Freedman by Phyllis Gunter.

January 11, 1905, the Commission decided adversely to the applicant.

The record shows that on July 10, 1903, the Commission decided favorably to the applicant, and that on May 9, 1904, the Department remanded the case for rehearing and readjudication. The evidence then adduced shows that the applicant was not the slave of a Cherokee citizen or a free colored person residing in the Cherokee Nation at the beginning of the war of the rebellion. She is not identified on the 1880 authenticated roll of the Cherokee Nation.

In view of the record the approval of the Commission's decision of January 11, 1905, adverse to the applicant is recommended.

Very respectfully,

C. F. Larrabee

Acting Commissioner.

M. M. M.
W.

Y. P.
PHE

DEPARTMENT OF THE INTERIOR.

D. C. 5361-1905.

WASHINGTON. January 27, 1905.

I. T. D, 710-1905.

L. R. S.

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

The Department does not find with the record in the
Cherokee freedman case of Phyllis Gunter, received with your
letter of January 11, 1905, any evidence of service of notice
of your decision upon the applicant.

It is requested that you inform the Department when and
in what manner you gave notice of such decision.

Respectfully,

(Signed) Thos Ryan

Acting Secretary.

COPY

Cherokee Freedmen

D-477.

Muskogee, Indian Territory, February 7, 1906.

The Honorable,

The Secretary of the Interior,

Sir:

Referring to departmental letter of January 27, 1905 (I. T. D. 710-1905), there is herewith inclosed a copy of the Commission's letter of January 11, 1906, registering to Phyllis Gunter a copy of its decision of that date in the matter of her application for enrollment as a Cherokee freedman.

Respectfully,

Incl. 3-3.

(SIGNED)

Tame Dixby.
Chairman.

Y. P.
FHB.

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

I. T. D. 710-1905,
1476- "

L. R. S.

August 2, 1905.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

January 11, 1905, the Commission to the Five Civilized Tribes transmitted the record in the matter of the application for the enrollment of Phyllis Gunter as a Cherokee freedman, including its decision of the same date, rejecting said application.

Reporting January 21, 1905, the Indian Office recommends that said decision be approved. A copy of its letter is inclosed.

The Department concurs in said recommendation, and the Commission's decision is hereby affirmed.

Respectfully,

Thos. Ryan,

Acting Secretary.

1 inclosure.

Cherokee
W D-477.

Muskogee, Indian Territory, August 11, 1905.

Bell, Hastings & Davenport,

Attorneys for the Cherokee Nation,
Muskogee, Indian Territory.

Gentlemen:

For your information there is inclosed herewith a copy of Departmental letter of August 2, 1905, affirming the decision of the Commission to the Five Civilized Tribes, dated January 11, 1905, rejecting the application for the enrollment of Phyllis Guxter as a Cherokee freedman.

Respectfully,

Incl. L-190.

Acting Commissioner.

GHL

Cherokee
F D-477.

Muskogee, Indian Territory, August 11, 1905.

Phyllis Gunter,
Coffeyville, Kansas.

Dear Madam:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated January 11, 1905, rejecting your application for enrollment as a Cherokee freedman, was affirmed by the Secretary of the Interior on August 2, 1905.

Respectfully,

GHL

Acting Commissioner.

AFFIDAVIT.

UNITED STATES OF AMERICA, }
INDIAN TERRITORY, } ss
NORTHERN DISTRICT: }

In the matter of the application of Phillis

Gunter for enrollment as a Cherokee Freedman.

No. F. D. 477

Henry Pack, of lawful age, being duly sworn on oath states that on the 14 day of September, A. D., 1901, he registered to Phillis Gunter whose postoffice is Jefferyville Kan

~~I~~ a notice, a true copy of which is attached to this affidavit, and he hereto attaches the receipt of the Postmaster at Fort Gibson Indian Territory; and that on the 23 day of September, 1901, he received the return card which is hereto attached, signed by the said Phillis Gunter, showing that he had received said notice.

Subscribed and sworn to before me on this the 23 day of Sept, A. D. 1901.

Henry Pack
J. C. Starr
Notary Public.

60
240477

**INDIAN TERRITORY,
CHEROKEE NATION.**

I hereby certify that I served the with-
in notice on.....

by delivering a true copy thereof on the
..... day of A. D. 1901.

Given under my hand this.....
day A. D. 1901.

.....
Marshal for Cherokee Nation.

I, the undersigned attorney for the
within named applicant hereby accept
service of the within notice on this the
..... day of 1901.

.....
Attorney for applicant.

**UNITED STATES OF AMERICA, } s. s.
INDIAN TERRITORY, }
NORTHERN DISTRICT.**

I do solemnly swear that I delivered a
true copy of the within notice to.....

.....
on the day of A. D. 1901

.....
Subscribed and sworn to before me
this day of A. D. 1901.

**DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.**

FILED
SEP 23 1901


ACTING CHAIRMAN

NOTICE!

IN THE MATTER OF The application of Phillis Gunter
for enrollment as a Cherokee Freedman:

Case No. F. D. 477

To Phillis Gunter Coffeyville Kans.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman, at the office of the United States Commission to the Five Civilized Tribes in the town of Fort Gibson, I. T. Indian Territory, on the following dates, to-wit: Sept. 24th at 8 o'clock A. M. A. D. 1901, during the usual business hours of said Commission on the respective days above named, for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this 13th day of Sept., 1901.

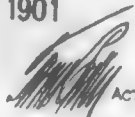
L. B. Bell
W. W. Hastings
J. S. Davnport
Attorneys for the Cherokee Nation.

73.

J. G. 477.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
JUN 1 1901



ACTING CHAIRMAN.

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date JUN 1 1901
 Post Office Bofferville, Kas
 District 8000

1. Name Age
 Owner's name Citizenship
 Year Page No. District

Parents:

Father Citizenship

Mother Citizenship

2. Name of wife Phillis Ginter Age 54

Owner's name Jane Starr Citizenship Cherokee

Year 1880 Page 163 No. 4030 District Bofferville

Parents:

Father Citizenship

Mother Citizenship

Names of Children:

No.	Year	Page	No.	Dist.
3.	<u>1880</u>	<u>163</u>	<u>4030</u>	<u>Bofferville</u>
4.	<u>1880</u>	<u>163</u>	<u>4030</u>	<u>Bofferville</u>
5.	<u>1880</u>	<u>163</u>	<u>4030</u>	<u>Bofferville</u>
6.	<u>1880</u>	<u>163</u>	<u>4030</u>	<u>Bofferville</u>
7.	<u>1880</u>	<u>163</u>	<u>4030</u>	<u>Bofferville</u>
8.	<u>1880</u>	<u>163</u>	<u>4030</u>	<u>Bofferville</u>
9.	<u>1880</u>	<u>163</u>	<u>4030</u>	<u>Bofferville</u>
10.	<u>1880</u>	<u>163</u>	<u>4030</u>	<u>Bofferville</u>
11.	<u>1880</u>	<u>163</u>	<u>4030</u>	<u>Bofferville</u>
12.	<u>1880</u>	<u>163</u>	<u>4030</u>	<u>Bofferville</u>

Application made by M. A. I. Stenographer John von Wiese

On Bofferville P. 174 No 3240, 8000 Dist

JUN 1 1901

24441
COMMISSIONER OF THE BUREAU OF INDIAN AFFAIRS
WASHINGTON, D. C.
10 100

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

Mrs. Phillis Gunter,

Coffeyville, Kan.

Cherokee F-D-477

Register.

TAMS BIXBY,

T. B. NEEDLES,

C. R. BRECKINRIDGE,

Commissioners.

RECORDED



Department of the Interior.

Commission to the Five Civilized Tribes.

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.

71

Mrs. Phillis Gunter,

~~Cassville, Kansas.~~

See above

ENCLOSURE

2 23
11965

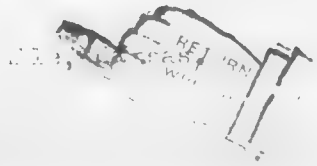
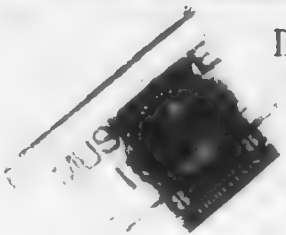
Department of the Interior.

Commission to the Five Civilized Tribes,

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.



Department of the Interior.

Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

C 72477

Cherokee



Phyllis Gunter,
Coffeyville, Kansas.



Department of the Interior.

Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

Cherokee

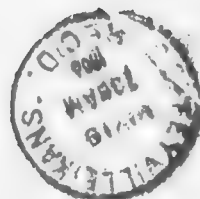
C 72477



Phyllis Gunter,

Coffeyville, Kansas,





Cher. Fr. R. 638

Trans. from Fr. D. 486

Cher. Fr. R. 638

(C O P Y)

State of Iowa S S :
Johnson County

I, J. G. Warner, clerk of the District Court of Iowa, in and for said County do hereby certify Mr. David Martin and Miss Jane Haskett were joined in the Holy Bonds of Matrimony , on the 14th day of July A. D. 1861 by Geo. S. Hamilton, a Justice of the Peace in and for Johnson County Iowa, he being at that time legally authorized and empowered to solemnize Marriages; and that the record of all the above proceedings may now be found in my office in Book 3, at Page 183 of the Marriage Register, reference thereto being had.

I further certify That I am the legal custodian of all the Records of said Court, including the Marriage Register thereof, and that I am by law authorized to make this Certificate.

I witness whereof I have hereunto set my hand and affixed the Seal of said District Court at my office in Iowa City Iowa, this 19th day of April 1901

(Signed) J. G. Warner
Clerk Dist. Court.

INDORSEMENTS.

C. F. D. 486

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

F I L E D
JUN 3 1901
Tams Bixby
Acting Chairman.

-O-O-O-O-O-O-O-O-O-O-

Lucy M. Bowman, being under oath, states that as stenographer to the Commission to the Five Civilized Tribes she made the above and foregoing copy and that same is a full , true and correct copy of a document on file with the Commission to the Five Civilized Tribes

Subscribed and sworn to before me
this 8th day of September, 1904,

Lucy M. Bowman
David Martin Jr
Notary Public.

Jas

State of Iowa, Johnson County, SS:

I, J. G. Warner, Clerk of the District Court of Iowa, in and for said County, do hereby certify Mr. David Martin and Miss Jane Haskett were joined in the Holy Bonds of Matrimony, on the 14th day of July A D 1861 by Geo S. Hamilton, a Justice of the Peace in and for Johnson County, Iowa, he being at that time legally authorized and empowered to solemnize Marriages; and that the record of all the above proceedings may now be found in my office in Book 3, at Page 183, of the Marriage Register, reference thereto being had.

I further certify, That I am the legal custodian of all the Records of said Court, including the Marriage Register thereof, and that I am by law authorized to make this Certificate.
(stamp)

I witness whereof I have hereunto set my hand and affixed the Seal of said District Court at my office in Iowa City, Iowa, this 19th day of April 1901

J. G. Warner
Clerk Dist. Court.

(SEAL)

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, I. T., March 6, 1903.

I, the undersigned, a member of the Commission to the Five Civilized Tribes, do hereby certify that the above and foregoing is a true and correct copy of the original offered in evidence in the matter of the application for enrollment of Cherokee F. D. 486.



Commissioner.

(COPY)

Refer in reply to the following

C P L
EX

Land
19025-1891. DEPARTMENT OF THE INTERIOR
OFFICE OF INDIAN AFFAIRS
WASHINGTON, July 11, 1891.

David Martin, Esq.

Coffeyville,

Kansas.

Sir:

Referring to the evidence, filed with Agent Bennett and by him referred with favorable report on the 28th of May last, respecting your claim and that of your family to enrollment as beneficiaries under the 9th Article of the Cherokee treaty of 1866, and to participate in the distribution of the \$75,000 fund appropriated by Congress to., you are informed that a supplemental schedule of Cherokee freedmen was approved by Acting Secretary Chandler, July 7, 1891. Said schedule contains the following, with other names, viz:

3264, Martin, Mary Ann	37 years
3265, Peterson, Lourina	15 "
3266, " Charity	10 "
3267, Martin, David	54 "
3268, " Wm. H.	16 "
3269, " Eliza	29 "

and has been forwarded to Agent Bennett, with instructions to make payment to persons whose names appear thereon.

Very respectfully

(Signed)

T. J. Morgan
Commissioner

R.F.T.
L.

INDORSEMENTS.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED
JUN 24 1901

Thomas Sixty

Acting Chairman.

Lucy M. Bowman, under oath states that the above and foregoing copy which she made is a full true and correct copy of a document on file with the Commission to the Five Civilized Tribes.

Subscribed and sworn to before me this
8th day of September, 1904

W. H. Martin Jr.
Notary Public.

to save with the poor people in this age of industrialism.

14

There are many, many thousands of men scattered all over the world, thousands and thousands in the same way, and the Government is too busy with other things to bother in finding out about them, and they are not even in the same way.

[illegible][illegible]

6. 5. 48.

DEPARTMENT OF THE INTERIOR
COMMISSIONER OF THE BUREAU OF LAND MANAGEMENT
H. A. FILED
AUG 12 1901

Filed with

David Martin, Co. D 486.

Department of the Interior
Commission to the Five Civilized Tribes.
Chalapa, I.T., June 8, 1901.

In the matter of the application of Mary Ann Leak for enrollment as a Cherokee Freedman.

Mary Ann Leak, being duly sworn and examined by Commissioner Needles, testified as follows:

- Q What is your name? A My name is Mary Ann Leak now.
Q How old are you? A I am 37 years old.
Q What is your postoffice address? A Nowhere.
Q What district do you live in? A Well, I don't know.
Q Do you apply to be enrolled as a Cherokee Freedman? A Yes sir.
Q Who do you want to enroll besides yourself? A I have three children.
Q Under age? A No, sir.
Q They are all married? A Yes, sir.
Q Are you married yourself? A Yes, sir.
Q Is your husband a citizen? A Yes, sir.
Q Has he been enrolled? A No, sir.
Q Why can't he here to enroll with you? A He has! A Yes, sir, he is here.
Q Do you want to enroll him? A No, sir, he will enroll himself I suppose.
Q Is your name on the roll of 1880? A No, sir, I guess not.
Q Is your name on any of the Cherokee rolls? A Yes, sir, it is on the Wallace.
Q Did you draw what is known as the Kern-Clifton money? A Yes, sir.
Q Did you draw your Kern-Clifton money under the name of Leak? A No, sir, I wasn't married to him then, I drew under the name of Martin.

The 1880 authenticated roll of Cherokee Freedmen examined and the applicant not identified thereon.

The 1895 census roll of Cherokee Freedmen examined and the applicant not identified thereon.

The Kern-Clifton roll examined and the applicant identified thereon page 170, No. 4185, Cooweescoowee district, as Mary Martin.

The Wallace roll examined and the applicant identified thereon, page 175, No. 5284, Cooweescoowee district, as Mary Ann Martin.

- Q What is your father's name? A David Martin.
Q Is he living? A Yes, sir.
Q What is your mother's name? A Jane Martin.
Q Is she living? A Yes, sir.
Q Where were you born? A I can't tell you, you will have to see my father about that, I can't tell you anything about that, I don't know.
Q Where were you raised? A In the territory.
Q In the Cherokee Nation? A Yes, sir.
Q What the first place you can recollect? A Yes, sir.
Q Well, now, have you got any witnesses as to your citizenship?
A My father.
Q Is he a citizen? A Yes, sir.

DAVID MARTIN, being duly sworn and examined by Commissioner Needles, testified as follows:

- Q What is your name? A David Martin.
Q How old are you? A I am 64.

-2-

Q What is your postoffice? A Jeffersville.

Q Are you a recognized citizen of the Cherokee Nation? A Yes, sir, I have been.

Q Is your name on the rolls of 1880? A No, sir.

Q Do you know Mary Ann Leak? A Yes, sir.

Q What relation is she to you? A My daughter.

Q Is she a Cherokee citizen? A Yes, sir, she has been so recognized.

Q Does she get her citizenship through you? A Yes, sir.

Q Have you been enrolled yet? A No, sir, not this time.

Q What is your owner's name? A My true owner was named John Martin, but I lived with Joe Martin, his uncle, who was his guardian when his father died in an early day and his uncle was the guardian for him.

Q Was he a Cherokee citizen? A Yes, sir.

Q Were you taken out of the Cherokee Nation during the war? A No, sir, I was in the woods scouting about the breaking out of the war; yes sir, I belonged to him up to the war.

Q Did you remain in the Cherokee Nation during the war? A No, sir, I remained until February, 1861, in the woods, and then I went to Iowa in '61 and stayed there till '63, I married there in '62, and then went in the army and stayed in the army until the fall of '65 and then was discharged and returned back home in October, '65.

Q Have you been living here ever since? A No, sir, I went back to Iowa for my family, I married there and left this girl and my wife there when I went in the army, and went back there and got them and brought them back through in the fall of '66, up in Kansas, and left them there, and I came here and kept my children there until about 25 years ago I guess, then I came back here and I moved my family down here.

Q Well, 25 years ago, you have been living here for the last 25 years? A Yes, sir, most of the time.

Q Where was Mary Leak born? A She was born in Iowa.

Q Where were you married? A Married in Iowa.

Q That was in what year? A In '61.

Q Then you came back yourself to the Cherokee Nation in '66? A Came back from the army when I was discharged, came here and came on home.

Q You didn't bring your family until 25 years ago? A I brought my family to up to Kansas, up to Ottawa.

Q But you didn't move them back to the Cherokee Nation until 25 years ago? A No, sir, I didn't bring them all back till 25 years ago.

Q Then you didn't live here in the Cherokee Nation absolutely not until 25 years ago? A Yes, sir, pretty near all the time, I was here in '73 and '4 and '6.

Q Well, where was you from '66 until '73? A I was partly in the Nation, I was scouting judge, the truth of it, I was in the woods; that is the reason I didn't bring my family back, they were trying to kill me.

Q Did you occupy any property or get any land or make a home here? A Yes, sir, I had a home, had hogs and cows here all the time.

Q From '66? A Yes, sir, with my wister, right of that man's (Mr. Bell) house, east of where he lived.

Q Have you any other grown children besides Mary Ann? A I have four children, three girls and one boy.

Q What are their names? A One is named Josie Looney and the other is named Eliza and the other one is named Willie.

Q Are they here? A Yes, sir, all here.

Q Were they all born in Iowa? A No, sir, there was two born here and one in Kansas; two in Kansas and one here, and the grandchildren were all born here.

Q Are there any other facts in relation to your citizenship which you desire to state? A Nothing more than to prove I was here in '66, came through here in '66.

By W. H. Hastings, Cherokee Attorney: You were married in '61? A Yes sir.

Q In Iowa? A Yes, sir.

Q How come you to go to Iowa? A I got in trouble here at home.

Q How long before the war? A Got in trouble in the fall of '59 and winter of '60 and the winter of '60 I went in the woods.

Q The truth of the matter, you ran away from here in '58?

A No, sir, I was here in '60.

Q Are you sometimes known as Wiley? A That is my name, sir.

Q You belonged to Dick Martin's father? A John Martin's father.

Q Well, what relation was he to R. L. Martin? A Well Dick Martin was R. L. Martin and when Gabe Martin went to California he made Dick the guardian of John.

A Did you belong to Dick Martin? A No, sir, John Martin.

Q Well, Joe Martin had charge of you? A Yes, sir, I was off an orphan child's property.

Q And you ran away in about the year 1858? A No, sir, I ran off the winter of '59 or '60.

Q Winter of '59? A Yes, sir, '59 and '60.

Q Where did you go? A Went in the woods, I was scouting.

Q You went to Iowa? A No, sir, I didn't go to Iowa.

Q You were married in '61? A Yes, sir, I left here '61 when they were trying to catch me.

Q How long had you been acquainted with your wife when you married her? A About four months.

Q What time of the year '61 did you marry her? A Married her July 14, 1861.

Q How long had you been in Iowa when you were married? A About four months, been there about two months before I got acquainted with her.

Q And you were in Iowa when the war came up? A No, I was here in the Nation when the war came up, up in the neutral lands scouting.

Q You were in Iowa four or five months before you married? A No, sir, I wasn't that long, because I married about four months after I got acquainted, and I went there in March in the city where she lived.

Q In March of '61? A Yes, sir.

Q Well, this applicant was born in Iowa? A Yes, sir, born in Iowa.

Q Who came back with you to the Cherokee Nation after the war?

A I came back myself, I tell you I come from the army, I come right through here from the army.

Q Where were you discharged? A Discharged at Shreveport, Louisiana, and mustered out at Baton Rouge, and then sent to New Orleans and paid off.

Q Where did you go from there? A Went home, come right up the Mississippi river until I got to a little town at the mouth of the Arkansas, and then I took the Arkansas and run up to Little Rock, and from Little Rock to Fort Smith, and from Fort Smith to Fort Gibson and there I took the military wagons and come from there home, went on from there to Kansas and when I come through here there wasn't anybody here.

Q Not anybody here? A Some few in Gibson.

Q Who did you see at Gibson? A Didn't know anybody but Irvin Vann and saw Jim Alberty after I got up on the prairie.

Q What prairie? A On the military road, right along from Gibson to Fort Scott.

Q Did you know him before the war? A Yes sir.

Q Did you stop and have any talk with him? A I stopped and had a talk with him, and he camped by his house.

Q Where was Jim living? A Close to Miss Alberty's place.

Q When was that? A In '86.

Q What time in '86? A October, '86.

Q Then where did you go? A I went from there on to Leavenworth and from Leavenworth.

Q You went right on through this country to Leavenworth? A Yes, sir, and stopped a while. I stayed around there three or four days until I could get a government wagon for home.

Q You went to Fort Leavenworth then? A Yes, sir.

Q How long did you stay there? A I didn't stay there any longer than till I could get a steamboat to go up the river.

Q To Iowa? A Yes, sir.

Q You found your family up there? A Yes, sir, found my wife and child.

Q Well, I believe you stated you brought them down to Kansas?

A Yes, sir.

Q Now how long did your wife live there in Kansas? A Well I don't know, she was there two years she was under the doctor, they couldn't move her any way, had to lift her around in quilts; kept her there under a doctor two years and maybe two and a half, until they could get her cured, had to send back to Ohio to get a doctor to cure her.

Q Well, where did you first permanently locate in the Cherokee Nation? A I permanently located first, I took my claim right side of my sister's on Grand River close to my old home.

Q Close to the mouth of Cabin Creek? A Yes, sir, above the mouth of Cabin Creek.

Q About how far? A About three miles, or four.

Q When did you take that claim? A I took that claim in '75.

Q Did you live on it then? A Yes, sir, I improved it, put up some logs and a foundation on it.

Q Bring your family down then? A I went back and got them after I put the claim in.

Q Is that the first time you had ever come to Cabin Creek after the war? A No, sir, I traveled right through Cabin Creek as I was going home.

Q You testified five years ago that you came and located near the mouth of Cabin Creek in '86? A No I didn't.

Q You deny that now? A Why I sure deny it, I told you plain, you know I did.

Q Where did you have your cows? A Had them at sister Betty's.

Q When did you put them down there? A Put them down there, I don't recollect.

Q In 1875? A No, I put them there before '75; I put them there in '72 or '73; I was down there all them years.

Q But your wife and your children, your family, was in Kansas?

A Yes, sir, I left them up in Kansas.

Q How far did you locate from where Mr. Bell lives? A About three miles I reckon, or four miles.

Q How old is your second child, the next one to this applicant?

A I don't know, she is five or six years younger than this one; six or seven; my wife was sick all the time until I --

Q Just the exact age? A I don't know just exactly the age.

Q How how old is the third child? A She is about 29 I guess.

Q She born in Kansas? A Yes, sir, born in Kansas.

Q Did you work for Frank Gossine in the year 1868? A I and Rook Burrington and Ben Sanders, my brother Spence, come down in '68 in the winter, in January, '68, and chopped some wood for Lewis Kell, and I went back in March, '67; in '67 we come down, January, '67 is what I told you we did, we come down January, '67, and chopped wood for Lewis Kell and went back home where my family was in March, '67.

Q Mr. Bell lived there then? A Yes, sir, he was living there.
 Q You are certain of that? A Yes, sir, I knew it.
 Q Well, he never came there till May, 1867; I, am just telling you that. A Well he was living there in the Nation, I don't know whether he was living at his home or not.

JIM ALBERTY, being duly sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A Jim Alberty.
 Q How old are you? A 70 years old.
 Q What is your postoffice? A Chouteau.
 Q Do you know Mary Ann Cook the applicant here; used to be Mary Ann Martin, or Mary Ann Peterson? A I don't know her by that name.
 Q Do you know Dave Martin? A Yes, sir.
 Q How long have you known him? A Ever since we were both boys.
 Q Was he a slave? A Yes, sir.
 Q Who did he belong to? A Old Joe Martin.
 Q Was he a Cherokee? A Yes, sir.
 Q Well, when was the first time you saw Dave Martin after the war between the north and south? A At my house.
 Q When? A In 1866.
 Q What time in '66? A Well, I don't know for certain; it might not have been in the fall.
 Q Was he married then? A Didn't have no woman there.
 Q How long have you known him since that; have you known him since that? A Ever since that.
 Q Has he lived in the Cherokee Nation continuously since that time? A Everywhere I saw him it was in the Nation, never saw him out.
 Q Mr. Hastings: Jim, you know he hasn't been living here? A I don't know anything about that, I tell you he come to my house in '66, he come to my house and I went with him to where an old white man sold whiskey and got me a lot of whiskey and come back; I don't know where he went from that.
 Q You haven't seen him for a long time? A It might have been a year after that, before I saw him; I wasn't particular.
 Q Where did the white man live that you got the whiskey from? A Lived right there the other side of Russell Creek.
 Q Went all the way up there? A Yes, sir; he said he was going for his family.
 Q Was he on horse back too? A Yes, sir.
 Q But he testified that he came in the government wagons? A Well he did after he got up there I guess; I don't know about that.
 Q Well, at Fort Gibson? A I don't know; that is at home.
 Q Where were you living? A You know where the old place that old Baugh owns that you call the Nancy Markham place; I was living right there, it was my house.
 Q Do you know the time of the year? A It was in the fall as well as I recollect, fall or summer.
 Q Was that the only time you saw him in '66? A I don't know but what it was.
 Q Well, you have been thinking over the matter? A No, I have never thought over the matter.
 Q You knew you were going to be a witness for him? A I guess I did now, when they called me; I don't have to hear what any man says when I come to tell what I know.
 Q You testified for him five years ago? A Yes, sir.
 Q You testified then you knew he was working for Frank Gonsine? A No I didn't.

Q Do you deny that now? A Yes, sir, I was working for Frank Considine.

Q At the time you saw him? A Not exactly at the time but I had been working for Frank and Henry Rider was working for me on this place.

Q Do you know where Dave's family was when you saw him? A No, I didn't know anything about his family, I didn't know he had one at that time; Frank told me himself, I was at his house at that time.

Q How do you know? A I heard him.

Q You were sitting right there? A I was sitting where you had me.

Q When did you see his family first? A It was a year or more after I saw him here, that is at my house.

Q Do you think you saw his family here within a year? A Well, it might have been, of course I didn't keep any record of it, I never thought about him until I saw him.

Q I want you to say now how long after you saw him until you saw his family? A Maybe a year or more.

Q How much more? A I don't know.

Q You think it has been as much as six or eight years? A I can't say that because I don't know.

Q You applied for enrollment yourself at Vinita? A Yes, sir, I did.

Q You are the man that Mr. Lindsey testified was sold out of here before the war? A Yes, sir, he did, and didn't testify the truth either.

Q But you joined the army at Little Rock? A Yes, sir.

Q Mr. Lindsey said you were sold out down below Little Rock? A Old Lindsey don't know any more about me than a rabbit.

Q You have been pretty near all over the Cherokee Nation is 'em?

A Yes, sir, I was pretty near all over it, every place I could get whiskey to sell I went there, that is how come I was all over it.

Q What year is this? A Well I can't tell you that.

Q You don't know one year from another, do you? A No, nobody has never told me what year this is.

Q Yet you remember what happened 35 years ago? A People that has sense, knows the dates, and told me of that.

Q But they never told you a year since that? A No sir, never asked nothing about it, because I didn't care, never had a thought nothing about the dates or anything else since; it was told me and I was satisfied I was inside of the treaty and I noticed everybody else I seen was inside until that year was out, then I never kept no record since because I thought them come home after that was out, and I didn't pay no attention to them.

Q Where did you first see this family, at what point? A I can't tell you that, I don't know that.

Q You don't know then where you saw his family? A No, sir, I don't know, I don't recollect.

Q And you don't know how many years? A No sir, I don't.

Q Do you know when you first next saw Dave? A No, I don't know as I can place where I next saw him; the way I recollect him now I went with him.

MARY ANN LEAK, recalled, testified:

Commissioner: Have you any children? A Yes, sir.

Q How many? A Three.

Q They are all married, are they? A Yes, sir.

Mr. Hastings: Where were you married first? A I was married, I can't tell you the place, it was in the states though, the first time I married.

Q How or where? A It was in Kansas.

Q What was your first husband's name? A Peterman.

Q Were you living with your mother at the time you married?
A Yes, sir.

Q What was the date of your marriage? A I can't tell you about that..

Q About how old were you? A I can't tell you that either.

Q I mean when you married? A Well I don't know exactly myself, father can tell you.

DAVID MARTIN, recalled, testified:

Mr. Hastings: About how old was your daughter when she married first; as much as 18 or 20? A She was 18 I think.

MARY ANN LEAK, recalled, testified:

Mr. Hastings: Were you married but the one time? A I have been married the third time.

Q What is your oldest child's name? A Lourena.

Q Where was Lourena born? A She was born, I don't recollect that either now; you will have to ask father that question..

Q You are the mother of that child? A Yes, sir, I am her mother, but I don't know what year she was born or where we were living at.

Q Born in Kansas? A We were living in Kansas when she was born.

Q What is your next child's name? A Charity.

Q Was she born in the Territory? A Yes, sir.

Q Where? A Up there away up above where we first lived, I don't know where at.

Q That is when you first came into the Territory? A Yes, sir.

Q Now how old is the second child? A I don't know that either, I never kept no account of nothing of the dates, my father attended to that.

Q Did you come in when your mother came? A Yes, sir, I came with my father and mother.

Commissioner: What was your first husband's name? A Peterson.

Q What was your second husband's name? A King.

Q Is he living? A I don't know, sir, whether he is or not.

Q Your first husband? A I don't know that either.

Q Were you divorced from both of them? A Yes, sir.

Mr. Hastings: Where were you married to King, your second husband? A Down here at Lightning Creek at Campbell's office.

Q Where were you divorced from Peterson? A In the states..

Q Kansas? A Yes, sir, where I married him.

Q Who was the father of the second child? A Peterson; I have no children by any man except my first husband.

Q Those three children must have been born in Kansas? A No, sir, wasn't all born in Kansas.

Q You got a divorce from him in Kansas? A Yes, sir.

Q Did you go back to Kansas after you came back here? A Yes, sir.

Q How long had you lived here when you returned to Kansas? A When I went back, I didn't exactly know.

Q A month? A I guess must be longer than that.

Q Well, from your best judgment? A Well, I can't tell you, my father will have to tell you about that because me being quite young, I never paid no attention to nothing of that kind.

Q You can state whether you stayed here longer than a month when you first came down here, before you went back? A Yes, sir, I guess something over a year before I went up.

Q How long did you live in Kansas when you went back? A I wasn't living in Kansas, I just went there merely as a visit, and came back.

Q You got a divorce up there? A Yes, sir, but I didn't have to stay there long to get it.

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DEPARTMENT OF THE INTERIOR

That county did you get it in, what town? A Ottawa.
Mr. Bell: What year was that in? A I can't tell you nothing
about that.

Commissioner: Mary Ann last applied for the enrollment
of herself. She is not identified upon the authenticated
roll of 1880, but is identified upon the Kern-Glifton and
Wallace rolls, as Mary Ann Martin, that having been her
maiden name. She avers that she is the child of David Martin.
She will be listed for enrollment as a Cherokee Freedman
on a doubtful card, and will be notified of the decision of
the Commission, when arrived at, by mail.

Bruce C. Jones, being duly sworn, says that as stenographer to
the Commission to the Five Civilized Tribes he correctly recorded the
proceedings and testimony in the above case, and the foregoing is a
true and complete transcript of his stenographic notes thereof.

Bruce C. Jones

Sworn to and subscribed before me this the 5th of August, 1901.

[Signature]

Commissioner.

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Department of the Interior,
Commission to the Five Civilized Tribes.
Cherokee, I. T., June 3, 1901.

In the matter of the application of David Martin for the enrollment of himself and his wife as Cherokee Freedmen.

David Martin, being duly sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A David Martin.

Q What is your age? A 64.

Q What is your district? A Cooweescoowee.

Q Do you apply to be enrolled as a Cherokee Freedman? A Yes sir.

Q What is your postoffice? A Coffeyville.

Q Do you desire to enroll anybody besides yourself? A Just myself and wife.

Q What is your wife's name? A Jane Martin.

Q How old is she? A 62.

Q Is she a recognized citizen? A No sir, she is a state woman.

Q You ask her enrollment as a Cherokee Freedman by intermarriage? A Yes sir.

Q When were you married to her? A In '61.

Q Where? A In Iowa City.

Q State of Iowa? A Yes sir.

Q Have you any certificate of marriage? A Yes sir.

Q Please present it? (Hands Commissioner paper).

Commissioner: Applicant presents a certificate of marriage certifying that on the 4th day of July, 1861, he was married to one Miss Jane Haskell, a citizen of the state of Iowa.

Q You been living with your wife continuously since that time?

A Yes sir, ever since.

Q Is she living now? A Yes sir.

Q How long has she lived in the Cherokee Nation? A Well, she has been near 26 years, when she moved here, when she got well enough.

Q You have testified as to the time you came to the Cherokee Nation in the testimony taken in the application of Mary Ann Leak?

A Yes sir.

Q Mary Ann Leak is your daughter? A Yes sir.

Q Is your name on the roll of 1880? A Was sir. I don't know sir, it ought to be.

Q Did you draw what is known as the strip money? A Yes sir.

The 1880 authenticated roll of Cherokee Freedmen examined and the applicant not identified thereon.

The 1896 census roll of Cherokee Freedmen examined and the applicants not identified thereon.

The Kerns-Clifton roll examined and the applicants identified thereon as follows:

David Martin on page 107, No. 4191, Cooweescoowee district;

Jane Martin not on Kerns-Clifton roll.

The Wallace roll examined and the applicants identified thereon as follows:

David Martin on page 175, No. 3257, Cooweescoowee district;

Jane Martin not identified thereon.

Q Have you ever been recognized as a Cherokee citizen? A Yes sir.

Q Ever voted? A Yes sir, voted and got permits and everything.

Q Have you any permits with you? A I forgot to bring them, I have got a lot of them at home.

Commissioner: David Martin applied for the enrollment of himself as a Cherokee Freedman and his wife, Jane, as a Cherokee Freedman by intermarriage. His name is not found upon the authenticated roll of 1880 or the census roll of 1896. He is duly identified upon the Kerns-Clifton and Wallace

rolls. He presents satisfactory proof of marriage to his wife, Jane, in the year 1861, in the state of Iowa. He makes satisfactory proof as to residence. As to proof of his citizenship, reference is made to the testimony taken in the case of Mary Ann Leek, who has just been enrolled on Cherokee Freedman doubtful card D-485, the said Mary Ann Leek being the daughter of said David Martin, and the testimony in said case will be made a part of the record in the case at bar, and a copy will be filed with the case of David Martin. He will be notified of the decision of the Commission, when it arrives at one, by mail.

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Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) Bruce C. Jones.

Sworn to and subscribed before me this the 3rd of June, 1901.

(Signed) T. B. Needles,
Commissioner.

Lucy M. Bowman, being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes, she made the above and foregoing copy, and that the same is a full, true and correct copy of the original transcript.

(Signed) Lucy M. Bowman.

Sworn to and subscribed before me this 7th day of September, 1904.

(signed) Wm. T. Martin, Jr.,
Notary Public.

Josie Davies, stenographer to the Commission to the Five Civilized Tribes, being first duly sworn states, that the above and foregoing is a full, true and correct copy of a copy of the original testimony of David Martin, taken at Chelsea, I. T. on the 3rd day of June, 1901, now on file with the Commission.

Josie Davies

Subscribed and sworn to before me this 14th day of December, 1904.

W. H. Campbell
Notary Public.

(copy)
File with case of David Martin et al
C.F.D. No. 486.

Department of the Interior;
Commission to the Five Civilized Tribes.
Vinita, I.T. October, 2d 1901.

SUPPLEMENTAL TESTIMONY in the case of David Martin et al.,
C.F.D. #486.

W. W. Hastings, attorney for Cherokee Nation.
Mellette & Smith attorneys for the applicants.
(Applicant present).

SMITH EWING, being first duly sworn by Commissioner C. R.
Breckinridge, testified as follows on the part of the Cher-
okee Nation.

Q What is your name? A Smith Ewing.
Q Have you any middle name? A No sir.
Q How old are you? A Going on 81.
Q What is your post office? A Ottawa.
Q In Kansas? A Yes, sir.
(By W. W. Hastings)
Q You live in Ottawa, Kansas? A Yes, sir.
Q How long have you been living at Ottawa? A I come ~~there~~ there
in 1867.
Q Where did you move from? A I moved from Ohio City, a little
place eight miles south of Ottawa.
Q How long had you lived within eight miles south of Ottawa be-
fore '67? A I come there in '65.
Q Have you been living in Ottawa since '67? A Yes, sir.
Q Do you know this colored man, David Martin that you see here?
A I do.
Q When did you first become acquainted with him? A '66, first
time I ever recollect of ever seeing him.
Q Where did you see him? A In Ottawa.
Q Do you know his wife? A I do.
Q What is her name? A Jane.
Q When did you ~~first~~ meet his wife to know her? A In 1867 after
I got acquainted with brother Martin.
Q Where did you get acquainted with his wife? A In Ottawa.
Q Did they have any children? A They did
Q Name some of them if you remember? A Mary Ann.
Q Recollect any of the rest of them? A I can't swear to what
the children's names were only Mary Ann.
Q Do you know whether Mary Ann was married? A Yes, sir she
was married.
Q Who to? A Man named Patterson.
Q Do you know where Martin's wife was in '63 when you knew him
and before you knew her? A I don't.
Q Did he or she ever tell you where she was? A Never did, neither
one of them didn't tell me.
Q You don't know where she came from when she came to Ottawa?
A No sir I don't know personally from her.
Q Or from him either? A No sir I don't think he or she either
ever told me.
Q Well, what was Dave Martin and his wife doing when you knew
them in Ottawa? A I don't know.
Q Were they living there? A Just living there as any other
citizens I don't know as they had any particular trade.
Q How long did you know them up there, living there in Ottawa?
A I don't know some six or eight years; I don't know how long
exactly, never kept no track of it.
Q Some six or eight years? A Yes, sir, that long or maybe longer;
he was a member of our church and a prominent man there.
Q What time in '66 do you think you saw him first? A First of
August, I believe it was or September, I don't know which; we
used to have a day we celebrated.

- Q It was then in the summer of '66? A Yes, sir.
- Q You live now in Ottawa Kansas? A Yes sir.
(By Mr. Smith)
- Q Where were you when the war commenced? A In Fayetteville, Arkansas.
- Q Where did you go during the war? A I went several places.
- Q Did you go out of the State of Arkansas? A Yes sir.
- Q Where to? A Missouri.
- Q Where were you when the war closed? A In Kansas.
- Q Where were you when you were freed? A When I was declared freed?
- Q Yes. A In Arkansas
- Q When was that? A In '62, February, no it was in '63 when I received a message from my Captain that I was free.
- Q Do you know what time in '63? A Long in January.
- Q Do you know what time in January? A I don't know, I didn't care about the time all I cared about was the freedom.
- Q What time did you go to Kansas? A Spring of '63, April.
- Q Did you know David Martin before the war? A No sir.
- Q When did you first get acquainted with him? A '66.
- Q What time in '66? A August or September, we was at the celebration.
- Q Where were you in '66? A I was in Pottowotomie.
- Q In Kansas? A Yes, sir.
- Q Where were you in '66, in Kansas? A Did I say '65.
- Q Yes? A Well I was in Ohio City in '65.
- Q Where were you in '67? A In Ottawa.
- Q Have you lived there ever since? A Yes, sir.
- Q When did you say that Dave Martin lived there in Ottawa? A '66, I knew him there - - It has all been so long I don't exactly remember it all, I never kept no track of it.
- Q You never knew nothing of him until you saw him at that celebration in '66? A No sir.
- Q You don't know what date that was? A No, sir, my recollection is growing very short, I don't know if it was August or September
- Q Do you know if it was either one of those months? A Yes, sir
- Q Might it not have been as late as October? A No sir it wasn't October.
- Q Are you sure that celebration was in '66? A Yes, sir I am sure of that
- Q What makes you sure of it? A Because I know what year it was, I know from the time I come to Kansas, I know just when I come to Kansas.
- Q When did you come there? A 1863
- Q What month? A April.
- Q How long had you been there when this celebration come up?
- A I lived in Linn County in '63, in Franklin in '64, and in '65 I lived in Franklin - - hold on there, let me see whether this celebration was in '65 or not - - '65, that is right.
- Q Then as a matter of fact it was in '65? A Yes, sir.
- Q Who spoke up there? A There was no speaking there was stammering let's see there was Fuller Carter and Alice Gray and----
- Q Have a man named Ransom that made a speech? A I don't know, there was so many and I never kept no track, it has been so long.
- Q Now that celebration was in '67 wasn't it? A No sir it wasn't not the first celebration we had.
- Q I am talking about the one at which you met David Martin? A
- A No sir.
- Q You think it was in '65 do you? A Yes sir I recall it very well now since you have brought it to my mind.
- Q Do you know where David Martin was in '66? A I don't know, only I seed him in Ottawa, but I don't know where he was all the time, he is in and out, he is like a fish a fluttering and a jumping, just like a fish out of water, and he flutter and jump so much I can't tell where he was.

Q Then you are mistaken in saying that it was in '66 that you saw him first? A Yes, sir, I made a mistake there.

Q Can you state now positive ly that you saw him at all in '66?

A Of course I can.

Q Where did you see him? A Seed him in Ottawa.

Q But you don't know where he was all the time? A Just like I did other citizens, some days I seed him and some days I didn't.

Q How long did you continue to see him there? A Seed him frequently for 6, 7 or 8 years, I don't know exactly how long.

Q Where were you living in '66? A I was living down to Ohio City, south of Ottawa.

Q How far from Ottawa? A Eight miles.

Q You were not living in Ottawa then? A My home wasn't there I worked in Ottawa I was working a team there.

Q Did you team in Ottawa in '66? A Yes, sir.

Q How much of the time? A I teamed there all fall and summer, that was my occupation.

Q But your home was in Ohio City? A Yes sir.

(By the Commission)

Q You say you got acquainted with Dave Martin's wife Jane along about '67? A Yes, sir after I moved to town.

Q When did you move to Ottawa? A In '67.

Q And you have made it your home ever since? A Yes sir.

Q Now according to Dave Martin's account and according to your own account he took his family away from there about '74? A No response)

Q Were you acquainted with his family from '67 to '74, 6 or 8 years?

A Yes sir

Q What were you doing in Ottawa during that time? A I was living there and my occupation was quarrying and hauling stone.

Q Did you belong to the same church as Dave Martin? A I did

Q You say he was a prominent, an in the church there? A Yes sir

Q Was he living there with his family all the time for that six or seven years? A Yes, sir.

Q Did you meet him regularly at church during that time? A Yes sir

Q You don't remember his being away from there for any considerable length of time during that time? A He was away in and out.

Q Did he seem to be a man that was making that his home with his family? A That was his home, he told us though that he belonged in the Nation.

Q Was he living there pretty much of the time with his family?

A Yes, sir

Q What business did he follow? A Anything he could get to do, well digging and anything he could make any money at, anything he could get to do like the rest of us poor fellows.

Q Did you ever miss him from church any great length of time?

A Yes sir I have missed him considerable from church.

Q How much of the time? A I never kept track

Q Did he impress you as a man that would stay away from his family for a long period of time? A Not a great long period of time.

(By Hastings)

Q Mr. Ewing, what the Commission wants to know is whether or not you saw Dave Martin at regular intervals and frequent intervals for the six or eight years that you say you saw him living there like any other man of that town? A Yes sir, saw him just like any other man there.

(By Smith)

Q Do you know whether in '72 Martin's wife joined the church up there? A No I don't recollect anything about her joining the church

Q Didn't your brother and this man's wife get religion at the same time up there in '72---isn't Brice Brown your brother? A Yes, sir

Q Don't you recollect him and Jane Martin getting religion about the same time? A I recollect of my brother getting religion but I thought Slater Martin had religion long before that; I recollect the revival there very well.

Q When was it? A It has been so long I am not positive as to

the time, it was before we built our new church.

Q Do you know whether if at this time Dave Martin was away from that place and here in the Nation? A I think he was.

Q Can you tell us when that was? A The church was founded in 1887--I guess 1886, it has been so plagued long my mind is so forgetful.

Q Then you don't know? A I won't swear when it was.
(By the Commission)

Q Did you visit frequently at Dave Martin's house? A Yes, sir

Q Do you remember how many children he had in Kansas? A No, sir, I don't remember.

HORACE B. PARAMORE, called and sworn as a witness by Commissioner O. R. Breakinridge, testified as follows: (On the part of the Cherokee Nation)

Q What is your name? A Horace B. Paramore

Q How old are you? A 43

Q Where do you live? A Ottawa, Kansas.

Q That is your post office is it? A Yes, sir.
(By Hastings)

Q What is your occupation? A My business is physicial and surgeon, but I haven't been doing that for some little time.

Q How long have you lived in Ottawa? A Since the 28th day of March 1865.

Q You were quite small when you come there? A Yes, sir, landed there on my sixth birthday.

Q Do you know this colored applicant for citizenship, David Martin? A Yes, sir.

Q Where did you first know him? A At Ottawa.

Q Do you know his wife? A I used to know her, I dont know if I would if I saw her now or not.

Q He had a wife, did he? A Yes, sir.

Q Where did you first know this colored man Dave Martin? A I think I got acquainted with him when he first came there, there were only a few people white or black at that time.

Q When was that? A Fall of '66.

Q How large a place was Ottawa at that time? A I dont think more than sixty or seventy-five perhaps one hundred people.

Q New town? A Yes, sir.

Q You have continued to reside there ever since that time up to now? A Yes sir.

Q How long did you know Dave Martin and his family to reside there from when you first knew the, on up? A They resided there several years, as to the exact number of years I can't say, I don't know exactly when they left there.

Q You know they resided there a number of years? A Yes, sir.

Q Did you see Dave Martin frequently? A Yes, sir

Q What is your best judgment as to the length of time that you saw he and his family there? A Well I should say that they lived there at least 10 or 12 years and probably more, that is the best of my judgment, 10 or 12 years at the least calculation.

Q Did you see him there as you would any other resident of the town? A Yes sir.

Q Do you remember his wife's name, or did you know that? A I can't say for certain that I do.

Q Do you know of his having children? A Yes, sir.

Q Did you see them there? A Yes, sir.

Q Do you remember any of their names? A Well, I cant swear that I can.

Q You know that he had children though? A Yes sir and I probably knew them at the time

(By Mr. Smith)

Q What are your initials? A H. B.

Q What business are you engaged in now? A At present I am not doing anything for the past eight years; I loan some money and look after my property.

Q Your business is that of a physician and surgeon? A Yes, sir.

Q You say you were only six years old when you went to Ottawa?

A Yes, sir.

Q You don't know the time positively that Martin came to Ottawa?

A The exact date?

Q You don't know the exact year? A I think it was early in the fall or late in the summer of '66.

Q Do you state that positively or not? A I do.

Q What was it in '66? A Yes, sir.

Q How do you fix that date? By conversations I have had with my folks at home, with old citizens there and with a conversation I had with Mr. Martin in Parsons on yesterday.

Q Do you fix it with with conversations you had with him or with others.

A With all of them together, all agree in regard to the date.

Q You are not testifying then as to your independent recollection as to the time? A I recollect him as one of the first colored men in Ottawa.

Q Can you testify of your own independent recollection that he came there in '66? A You have my answers which are the best that I can give you.

Q Can't you answer that yes or no? A I say yes.

Q Then you can recollect this without reference to anything that anybody told you, that it was '66 that he came there? A Yes, sir.

Q And remember that it was in the fall? A I said it was either late in the summer or early in the fall.

Q If you remember it yourself and can state it from your independent recollection, why do you state anything in regard to conversations had with other people? A In the first place I wanted to be sure and when these other folks agreed with me in regard to the time I said so. After I was subpoenaed down here I talked the matter over with the people who were there, as I wanted to be sure about it. In 1865 there were no colored people in Ottawa at all and in 1866 there was four families I think moved into Ottawa and Mr. Martin was one of these families.

Q Do you remember that in the year 1865 there were no colored people in Ottawa, as is that what you have been told? A I remember it because there were only two or three families of whites there then and no colored people at all.

Q You went there yourself in '66? A Yes, sir.

Q You were then six years old? A Yes, sir.

Q Do you claim that you remembered the change of the year, the ending of '65 and the beginning of '66 at that age, and that in the one year there were no colored people there and in the next year there were four families of them moved in? A Yes, sir. I remember their coming there because where I come from there were no colored people.

Q Where did you live before you came to Kansas? A Ohio.

Q Might it not have been '67 instead of '66? A It might have been but I don't think it was.

(By Hastings)

Q You say you had a conversation with Martin which refreshed your memory? A Yes, sir he had a conversation with me; he met me in Parsons and asked me, I told him I was coming down here to testify for the Nation, and we got to discussing when he came there, and he said "In the first place I came there in August of '66" and then he said "Hold on, it was October of '65".

Q. W. (By Smith)

Q. What did Mr. Martin say in his conversation, if anything in regard to the length of time he staid there at that time? A. Well he stated that the Cherokee Nation knew that he commenced suit against them somewhere along in the '70's. I don't remember what time in '70, whether it was in '70, '72, '74 or '76, and that their records would show the dates. He said "the records will show the date I commenced that suit; I was afraid to bring my family from Kansas to the Nation," but as to what year in the '70's I don't know-- I don't know if he stated exactly the year.

(By the Commission)

Q. Do you know whether Dave Martin ever voted in Ottawa or not? A. As to that I can't say, I was too young to mix in politics then, if it was within the last fifteen years I could tell you.

Q. From the time he arrived with his family in Ottawa until he took them away some six years afterwards, did you know him and his family as steady and consistent residents of Ottawa? A. Yes, sir.

Q. Was he living there as a man who came there from time to time or as any other regular resident? A. As a man who lived there continuously.

Q. Did you ever miss him for any length of time? A. No, sir.

(By Smith)

Q. Did he have any children at that time? A. I don't know whether he had any children in the first place, he had one or two born there.

Q. The children he had born there when he left there were small children were they not? A. Yes, sir, small children.

(Smith Ewing re-called and examined by the Commission)

Q. Do you know whether David Martin ever voted up in Ottawa?

A. No I don't know whether he did or not.

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This will be filed as supplemental testimony in the case of David Martin et al., C.F.D. #486, and also in C.F.D. #485, #487, #487, #488, #489, #490, #491, and #901.

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Chas. von Weise, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full, all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes therein.

(Signed) Chas. von Weise.



Subscribed and sworn to before me this 3rd of October, 1901.

(Signed)

F.B. Needles
Commissioner.

The undersigned, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes she made the foregoing copy and that the same is a full true and correct copy of the original transcript.

Subscribed and sworn to before me
this 7th day of September, 1904.



Secretary Public

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THE CHAIRMAN

Department of the Interior,
Commission to the Five Civilized Tribes,
Wash., D. C. October, 18th 1901.

In the matter of the application of Thomas Archer, C. R. D. 601.

Appearances:

James S. Davenport for the Cherokee Nation
Marlette & Smith for the applicants.

CLAM V. ROGERS, being first duly sworn by James S. Davenport,
testified as follows on the part of the Cherokee Nation:

(By Davenport.)

Q What is your name? A Clam V. Rogers.

Q Where do you live? A Cherokee.

Q What is your age? A 33.

Q How long have you lived in the Cherokee Nation? A All my life
except during the war.

Q Do you know the applicant Thomas Archer? A Yes sir.

Q How long have you known him? A Since '80.

Q Where was he when you first saw him? A In the
district.

Q Where were you in '67? A Fort Gibson.

Q Did you have anything to do with the Rogers' salt works on Grand
River in '67? A No sir.

Q Did you go there yourself or with anyone else in '67 and take them
away from Thomas Archer or any other person? A No sir, in '67 I was
freighting.

Q Did you ever drive him or any one else away from there? A No sir.

(By Mr. Smith.)

Q There are several gentlemen that are Cherokee citizens by your name
are there not? A Yes sir.

Q It is a right prominent name in the history of the Cherokee Nation?

A Yes sir.

Q If Thomas Archer testified that you took the salt works away from
him, he was mistaken about that? A Yes sir.

Q You don't know when he came back? A No sir.

Q Did you know him before the war? A I don't know that, sir.

(By Davenport.)

Q There was only one Clam Rogers in the Cherokee Nation in '67 that
was a grown man? A I didn't know of any other at that time, there
is several now.

This will be filed in Cherokee Freedmen cases, C. R. D. 1008; D. 488;
D. 487; D. 486; D. 485; D. 484; D. 483; D. 482; D. 481; D. 480; D. 479;
and D. 668.

Chas. von Weiss, being first duly sworn, states that as stenographer
to the Commission to the Five Civilized Tribes he reported in full
all the proceedings in the above cause and that the foregoing is
a full, true and correct transcript of his stenographic notes therein.

Subscribed and sworn to before me this the 17th of October, 1901.

[Signature]

Commissioner.

(COPY)

File with David Martin, C.F.D. 486

Department of the Interior,
Commission to the Five Civilized Tribes
Vinita, I.T. October 23rd, 1901.

Supplemental testimony in the matter of the application of David Martin C.F.D. 486.

Appearances:

James S. Davenport for the Cherokee Nation.
Mellette & Smith for the applicants.

H. C. HARTFORD being first duly sworn by Com'r F. B. Needles, testified as follows on the part of the Cherokee Nation.

(By Davenport)

Q What is your name? A H. C. Hartford.
Q Where do you live? Ottawa, Franklin County, Kansas.
Q How old are you? A 44.
Q How long have you lived in Ottawa, Kansas? A Since 1865.
Q Since you have been living in Ottawa, Kansas, did you become acquainted with a colored man named David Martin? A Yes, sir.
Q When did you become acquainted with him? A In the Summer of '67.
Q Have you seen the gentleman since you come down here? A Yes, sir. I met him on the street.
Q How long after you became acquainted with him did David Martin reside at Ottawa or near there, or about how long? A David Martin lived at Ottawa and left there about 21 years ago, 20 or 21 years ago, and from the time he came there he was there off and on all the time, I missed him for a while and saw him for a while; he would be gone a good deal, where he was I of course don't know.
Q Did he have a family there? A Yes, sir.
Q You say you met him this morning? A Yes, sir.
Q Did you recognize him as the David Martin that you knew up there? A Yes, sir, I did.
Q Did he recognize you? A He didn't for a while, after he studied he finally made up his mind who I was.

(By Smith)

Q What time did you first know David Martin? A To the best of my knowledge it was in '67; I got acquainted with David Martin when I had been there a couple of years.
Q How old were you then? A I guess I was about 11 years old.
Q How old was David Martin then? A I don't know.
Q Was he a man? A Yes, sir he was a man grown when he come there.
Q You are not sure as to the year you met him in? A I can't positively swear as to the year, I know he came there about a year and a half or two years after I came.
Q That is as long as you can remember after that length of time? A Yes, sir.
Q You say he was there part of the time and the other part of the time you missed him? A Yes, sir, probably I would see David Martin every couple of months or so.
Q You didn't see his family? A Yes, sir.
Q Where? A In Ottawa there, I knew one of his daughters, the oldest one.

David Martin--2

This will be filed in the original case and also in C.F.D. 486 and the sub-references thereto.

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Chas. von Weise being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a true and correct transcript of his stenographic notes therein.

(Signed) Chas. von Weise.

Subscribed and sworn to before me this the 24th of October, 1901.

(Signed) C. R. Breckinridge
Commissioner.

Lucy M. Bowman, being first duly sworn states that as stenographer to the Commission to the Five Civilized tribes, she made the above and foregoing copy, and that the same is a full true and correct copy of the original transcript.

Lucy M. Bowman

Subscribed and sworn to before me this 7th day of September, 1904.

W. B. Martin Jr.
Notary Public

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., April 28, 1902.

In the matter of the application of David Martin et al for enrollment as Cherokee Freedmen, D-486.

Applicants represented by Mellette S. Smith.
Cherokee Nation represented by J. B. Davenport.

HATTIE DRAKE, being first duly sworn, testified as follows:

MR. DAVENPORT: What is your name? A Hattie Drake.
Q Where do you live, Mrs. Drake? A I live in Lawrence, Kansas.
Q Did you ever live at Ottawa, Kansas? A Yes, sir.
Q While you were living at Ottawa, Kansas, did you get acquainted with a colored man by the name of David Martin? A Yes, sir.
Q Did he have a family at that time? A Yes, sir.
Q Well do you know where they were living? A I don't know the street, but they lived about a block away from me.
Q How long did they live there in Ottawa, Kansas, to your knowledge or near you in Ottawa, Kansas? A Well, lived there, I don't just exactly know how long, but they lived in Ottawa, but I lived there well I will say sixteen or eighteen months, close to the there.
Q Close to them? A Yes, sir.
Q Well have you seen the David Martin that you knew there in Ottawa, Kansas, since you came down here? A Yes, sir, there he is; just now shook hands with him.
Q When was that, before you were grown or after you were grown? A It was after I was married.
Q After you were old enough to marry? A Yes, sir.
Q Your name was what then? A My name was Wilson, I married a man by the name of Levi Wilson.

MR. MELETTIE: How long did you say you lived in Ottawa?
A Lived in Ottawa about 10 years.
Q You say you knew them there about eighteen months? A No, sir, I didn't say I knew them sixteen or eighteen months; I said I lived close to Mr. Martin about sixteen or eighteen months.
Q Well how long did you know him? A Oh, I knowed him, I don't know how long just exactly, I knowed him that long and longer, but then I don't just know how much longer.
Q You don't know how much longer? A No, sir.
Q Did he live there all the time while you lived there at Ottawa? A No, sir.
Q When did you first get acquainted with him, what year? A Well if I mistake not it was in '72, I was married in '72, and I moved to Ottawa in about four days after I was married.
Q Well where was Dave Martin in '66? A I don't know.
Q '67? A I don't know whether he was there in Ottawa in '67 or not, I don't know; I can't tell you just the dates.
Q The first time you ever remember of seeing him was in say '72 or '73? A Yes, sir, along in that time, Mr. Martin was one of the first---
Q You don't know whether he had lived in the Indian Territory and was backwards and forth to the Indian Territory or not, do you? A No, sir, I don't know nothing about that.
Q Don't know anything about that do you? A No, sir.

COMMISSION: This testimony will be filed with and made a part of the record in the following Cherokee Freedmen cases: D-486, D-792, and D-486, the case at bar.

Arthur G. Croninger, being first duly sworn, states that as

stenographer to the Commission to the Five Civilized Tribes he reported in full the testimony and proceedings in the above case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) Arthur G. Croninger.

Subscribed and sworn to before me this 30th day of April, 1902.

(Signed) P. G. Reuter.
Notary Public

(S E A L)

Lucy M. Bowman, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, she made the above and foregoing copy, and that the same is a full, true and correct copy of the original transcript.

Lucy M. Bowman

Subscribed and sworn to before me this 7th day of September, 1904

W. H. Martin Jr.
Notary Public.

(C O P Y)

Freed. p 880

Department of the Interior
Commission to the Five Civilized Tribes,
Muskogee, I.T., May 31, 1902,

In the matter of the application of PERRY ADAMS for
enrollment as a Cherokee Freedman.

Applicant appears by Mellette S. Smith;
Cherokee Nation, by W. W. Hastings:

By Mr. Smith:

The applicant moves the Commission to make the certified copy of the decree of the Court of Claims in the case of Moses Whitmire, Trustee for the Freedmen, vs. The Cherokee Nation, No. 17209 filed in the Mariah Hayden case F.D. 498, a part of the record in this case and the cases hereinafter mentioned by reference to the said case of the said Mariah Hayden, and if it be deemed necessary that a copy of the said decree be filed in this case and in the following cases, to-wit:

David Martin, D 486;
Vinnie Martin, "

By W. W. Hastings:

Comes now the Cherokee Nation and objects to the introduction of the decree, because, First: It does not tend to show that the applicant was a slave of the Cherokee Nation at the beginning of the war, nor that he returned within the time specified

in the treaty of 1866, or that he had been a continuous resident of the Cherokee Nation since that time, or that he is a descendant of such a person. Second: Because the same is incompetent, irrelevant and immaterial, and does not tend to prove an issue in this case. Third: Because the Commission will take judicial knowledge of all laws, treaties and decrees necessary for the determination of the right of any person who makes application for citizenship. Fourth: The Cherokee Nation objects to the filing of a certified copy of this decree in the case of an applicant unless the same is called and filed in each individual case.

Commission:

The motion of the attorney for the applicant will be entertained and the decree of the Court of Claims filed in the case of Mariah Hayden will be made a part of the record by reference in all the cases above named with the exception of those which come within the provisions of the temporary injunction recently granted by Judge Gill of the United States Court, of the Northern District Indian Territory.

MR. Smith:

The applicant further moves that as to the above named cases, including the Mariah Hayden case that counsel for the applicant be allowed within thirty days to file any of the proof of any or all of the record other than the decree already referred to

In the case of Moses Whitmire, trustee, vs. Cherokee Nation, on file in the Court of Claims to the counsel of the Cherokee Nation if it is desired to do so.

W.W.Hastings:

The Cherokee Nation most certainly strenuously objects to the allowance of this permission or to the granting of this request for the reason that most of these applicants have had more than a year in which to file all of their testimony that they desired to file to make out their case before the Commission and that notice was given them all by agreement in March last, that the cases would be closed so far as testimony was concerned by the special permission of the firm of attorneys representing these applicants on the 31st day of May, 1902, and that this being the 31st day of May, 1902, we say that under the rulings of the Commission, that under the agreement between the attorneys, that the testimony in all these cases is to close and should be closed by the Commission, and that no extension should be granted in any case and no case reopened unless there is some special and particular reason shown either by the Cherokee Nation on the one side or the applicant on the other why an extension of time is necessary or desired.

The Commission:

The law provides that the roll of Cherokee freedmen shall be made in strict compliance with the decree of the Court of Claims rendered the 3rd day of February, 1896, and as the Commission must take judicial notice of the judgment roll of said Court in the proceedings referred to the motion of the attorneys for applicants for additional time to file certified copies of the proceedings of the said Court is denied.

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The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings in the above case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

(Signed) E. G. Rothenberger.
Subscribed and sworn to before me this 14th day of June, 1902.

(SEAL)

(Signed) P.G. Reuter,
Notary Public

I, E. C. Bagwell, a stenographer to the Commission to the Five Civilized Tribes, on oath state that the above and foregoing

is a true and perfect copy of the original testimony in the above
entitled cause as filed with the Commission, which copy was made
by me.

(Signed) E. S. Bagwell

Subscribed and sworn to before me this July 29, 1902.

(Signed) R. G. Reuter,

(SEAL)

Notary Public

INDEXED.

P. D. 685.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

F. I. L. E. D.

Aug. 1, 1902.

Fans Hirby

Acting Chairman.

-o-

Lucy M. Bowen, being under oath, states that as stenographer to
the Commission to the Five Civilized Tribes, she made the above
and foregoing copy, and that the same is a full true and correct
copy of a document on file with the Commission.

Lucy M. Bowen

Subscribed and sworn to before me this 8th day of September, 1904

H. B. Martin
Notary Public.

Refer in reply to the following:
Land. 22007-22006.

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,

WASHINGTON, August 13, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose herewith, a report from the Commission to the Five Civilized tribes, dated March 26, 1904, transmitting the record of the consolidated applications for enrollment as Cherokee freedmen, by David Martin for himself; by Mary A. Leak for herself; by Jessie Leeway for herself and her minor children, Clarence, Coral, William, Julia, Georgia P., Jettie and Wayne Leeway; by Eliza Manual for herself; by William H. Martin for himself and his minor children, Gay-tola, Amanda, Charles A. and Benk Rexess Martin; by Fred Petersen for himself and his minor child, Mary T. Petersen; by Perry Rowe for his wife, Laurena Rowe, and his minor children, Inula, Alcock and Elizabeth Rowe.

March 3, 1904, the Commission decided adversely to the applicants.

The record shows that the principal applicant, David Martin, was the slave of a Cherokee citizen, and escaped from his master prior to the war and did not return to the Cherokee Nation prior to February 11, 1867.

The other applicant's sole title to enrollment is based on that of David Martin.

In view of the record the approval of the Commission's decision adverse to the applicants is recommended.

Very respectfully,

V. L. Jones,

Commissioner.

K.M.M.
W.

I. P.

788

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

L.T.D. 6484-1904.
D. C. 30.60-1904.

August 12, 1904.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

March 23, 1904, you transmitted the record in the consolidated Cherokee Freedmen case of David Martin, et al (D-404), including your decision dated March 4, 1904, rejecting the applicants.

Reporting in the matter August 12, 1904, the Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

Respectfully,

(Signed) Theo Ryan,

Acting Secretary.

1 inclosure.

Cherokee Freedmen

D-486.

Muskogee, Indian Territory, September 12, 1904.

Jessie Leoney,

Elliott, Indian Territory.

Dear Madam:

The Commission is in receipt of your letter of September 1, requesting the return of certain papers filed in the case of David Martin.

We return herewith the following papers: certificate showing marriage between Mr. David Martin and Miss Jane Haskett on July 14, 1861; letter dated July 11, 1891, from T. J. Morgan, Commissioner; letter dated October 12, 1891 from Leo H. Bennett, United States Indian Agent; letter dated July 29, 1891, from Leo H. Bennett, United States Indian Agent, and notice to Cherokee Freedmen signed by Leo H. Bennett, United States Indian Agent.

Respectfully,

Encl. 2-91.

Chairman.

COPY.

Charles W. H. H. H.
2-14 at 21.

Hastings, Indian Territory, January 25, 1905.

Bell, Hastings & Davenport,

Attorneys for the Cherokee Nation,

Hastings, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of
the Commission to the Five Civilized Tribes, dated January 19, 1905,
rejecting the applications for the enrollment of, William Davis,
Henry Thomas, Ella Vann, Mary McKinnon, Frances Mallon, John Dutton,
Mary Jane Vann, Thomas Law, Ella McVittie, Willie Rider, Nathan
Campbell, Van Jackson Luther, Emma Whistler, Mary Harris, Willie
Fields, John Rider, William S. McKinnon, John Dutton, Albert T. Thomas,
Mary Campbell, Elizabeth Dutton, William Albert, Jane Davis,
Elizabeth Campbell, Emma Harris, Ella Harris, John E. Barnes,
John Davis, Emma Dutton, Emma S. Vann, Van Dutton, Emma
Harris, George Reed, Sr., Dick Lott, John Dutton, Lewis Dutton,
The Dutton, Thomas Dutton, Thomas E. Reed, Lewis Dutton, John
T. McKinnon, Emma Davis, Emma Whistler, John S. Reed, Jane
Dutton, Emma Dutton, Emma Dutton, Emma Dutton, John Dutton, Mary
Dutton, Emma S. Reed, Emma Dutton, William Dutton, John
Dutton, Albert T. McKinnon, Emma Dutton, Emma Dutton, Emma

RECEIVED BY THE OFFICE OF THE SECRETARY OF THE ARMY
WASHINGTON, D. C.

Respectfully,

SIGNED: *Tams Blaby.*
[Signature]

Encl. 2-4.

✓
✓

COPY.

George Fredson
3-14 et al.

Postage, Indian Territory, January 24, 1900.

The Honorable

The Secretary of the Interior.

Sir:

There is herewith transmitted record of proceedings had in the matter of the applications for the enrollment of, William Davis, Henry Thomas, Ella Vann, Mary Hartman, Frances Holten, John Jensen, Mary Jane Vann, Thomas Love, Ella Hartman, Nellie Hines, Reuben Campbell, Van Jackson Luther, Cassie Kildeten, Mary Earlin, Nellie Fields, John Kinco, William S. Madson, Jane Reed, Albert T. Thomas, Mary Campbell, Caroline Daniels, Melvina Alberty, Dave Harris, Alexander Claggett, Maggie Martin, Miss Martin, John E. Darvas, Bell Davis, Samuel Brown, Edward F. Watson, Jack McConnell, Marie Mosley, George Reed, Jr., Frank Lehman, Bell Thompson, Louis Scott, Ed Scott, Kender Hampton, Thomas E. Allen, Leola Vanderford, John L. Bessie, Katie Davis, Charles Williams, John J. Ross, Jane Martin, Lena Peterson, Abel Johnson, Martha Vann, John Scott, Nancy Hess, Charles C. Smith, Berle Collier, William Shamus, Marie Johnson, Alfred F. Hopkins, Elsie Finn, Freddie Lowmy, Lucy Chautau, Alice Durant, Mahalia Ward, Fred J. Thomas, Nettie Beck, Ella Warren, William Swanson, Mary Webber.

Frances Martin, Mary Riley, Emanuel Taylor, Henry Sykes, Larkin P. .
 Powell, Stepney Dawn, Malinda Vann, Frances Johnson, Annie Master,
 Mary H. Rogers, George Washington Lane, Jena Brown, Samuel I. Young,
 John Buckner, Willie Cox, Leonard Davies, Malinda Murrell, Charles
 Claggett, Samuel Irvan, Mary Ross, Maggie Hays, Emma Hays, Ella
 Rose, Elizabeth Duncan, Sadie Adams, Georgeann Archer, John Claggett,
 Hattie Smith, Jack Jackson, Ella Sanders, George Haselrig, Linnie
 Vest, Marie French, Mary Johnson, Maggie Vann, William Nelson, Sarah
 Rogers, Abraham Ballard, Laura Davis, John Jackson, James B. Perry,
 Isaac Welch, Lawson Logan, George Powell, Henry Smith, George
 Adams, Annie Thomas, Lewis McConnell, Callie Vann, Lou Peters,
 Ida Adair, Robert Brown, Allie Chambers, Emma Jones, Alice Hunter,
 Katie Adair, Carrie Martin, Benjamin Clark, Emily Lockyer, John
 Graves, Matilda McFair, Bettie Vann, Nelson Lett, Fannie Rogers,
 William Washington, Squire Warren Owens, Fannie Galsby, Susan
 Daniels, Anderson Turk, David Lane, Felix McClain, Henderson
 Jones, Belle Vann, Levi Stroud, John Sumpter, Mariah Thompson,
 Ellen Sheppard and Della Maltby, as Cherokee citizens by inter-
 marriage, including the Commission's decision dated January 19,
 1905, rejecting said applications.

Respectfully,

(SIGNED) *Tame Bixby.*
 Chairman.

Incl. K-8.
 Through the
 Commissioner of Indian Affairs.

COPY.

Cherokee Freedman
D-400.

Muskogee, Indian Territory, January 24, 1905.

Jane Martin,

Coffeyville, Kansas.

Dear Madam:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated January 19, 1905, rejecting, among others, the application for your enrollment as a Cherokee freedman by intermarriage.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.



Respectfully,

Encl. L-64.

Register.

(SIGNED).

Tamie Birby.
Chairman.

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,

WASHINGTON, MARCH 20, 1906.

Refer in reply
to the following:
Land.
7906-1906.

The Honorable,

The Secretary of the Interior.

Sir:

I enclose a report from the Commission to the Five Civilized Tribes, dated January 24, 1906, transmitting the record of the application for enrollment as Cherokee citizens by intermarriage to Cherokee freedmen by William Davis, Henry Thomas, Ella Vann, Mary Matham, Frances Helton, John Deane, Mary Jane Vann, Thomas Lowe, Ella Mayfield, Nellie Rider, Newton Campbell, Van Jackson Luther, Cassie Middleton, Mary Harlin, Nellie Fields, John Kinke, William S. Madden, Jane Dean, Albert T. Thomas, Mary Campbell, Caroline Daniels, Melvina Liberty, Dave Morris, Alexander Claggett, Amanda Martin, Eliza Martin, John E. Burges, Nell Davis, Samuel Brown, Howard F. Watson, Jack McConnell, Mamie Manley, George Reed, Sr., Frank Ledman, Nell Thompson, Lewis Scott, Abe Scott, Kender Lupton, Thomas E. Allen, Louis Vanderford, John L. Doolin, Katie Davis, Charles Williams, John J. Ross, Jane Martin, Lena Peterson, Alex Johnson, Martha Vann, John Scott, Nancy Ross, Charles C. Smith, Sisie Gilbert, William Skaggs, Basie Johnson, Alfred P. Hopkins, Kissie Vann, Freddie Leamy, Lucy Gorton, Alice Durant, Mahaley Ward, Fred D. Thomas, Bettie Mack, Ellis

Warren, Millie Robinson, Mary Webber, Frances Martin, Mary Riley, Samuel Taylor, Henry Sykes, Martin F. Powell, Stephen Dunn, Malinda Vann, Frances Johnson, Annie Foster, Mary H. Rogers, George Washington Lane, Jane Brown, Samuel L. Young, John Buckner, Willie Cox, Leonard Hixson, Malinda Merrill, Charles Claggett, Samuel Irvin, Mary Ross, Maggie Ross, Emma Ross, Ella Ross, Elizabeth Dunson, Edie Adams, Maryanna Archer, John Claggett, Mattie Smith, Jack Jackson, Lela Sanders, George Hambrick, Lillian West, Maria French, Mary Johnson, Maggie Vann, William Hudson, Sarah Rogers, Abraham Ballard, Laura David, John Beckman, James H. Perry, Isaac Welch, Lammie Logan, George Howell, Henry Masir, George Adams, Annie Thomas, Lewis McDaniel, Callie Vann, Lou Peters, Ida Adair, Robert Brown, Allie Chambers, Isaac Jones, Alice Gunter, Katie Adair, Carrie Martin, Benjamin Clark, Emily Lowmy, John Groves, Matilda McVair, Nettie Vann, Nelson Lett, Fannie Rogers, William Washington, Squire Warren, Emma, Fannie Goldsby, Susan Daniels, Anderson Turk, David Lane, Felix McClain, Henderson Jones, Belle Vann, Levi Stread, John Supter, Harish Thompson, Eliza Whppard, and Lila Helton.

January 19, 1906, the Commission decided adversely to all the applicants.

The record shows that none of the applicants makes claim to enrollment as citizens of the Cherokee Nation, except by intermarriage with a Cherokee Freedman; that none has ever been enrolled or admitted to citizenship by any tribal authority

of the Cherokee Nation or by any United States tribunal and
that name is identified on the 1886 authenticated Cherokee Roll.

In view of the record and of the ruling of the Depart-
ment of November 18, 1904 (I, S. D. 8542-1904) in the instant
volume case, the approval of the Commission's decision adverse
to all the applicants is recommended.

Very respectfully,

C. F. Larrabee

Acting Commissioner.

H.M.M.
W.

DEPARTMENT OF THE INTERIOR,

D. C. 28877-2888.

WASHINGTON.

OFF.

I. F. D. 2888-2889.

April 17, 1906.

MR.

SIR:

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Dear Sir:

January 20, 1906, you transmitted the record in the matter of the applications for the settlement of the following persons as citizens by intermarriage of the Cherokee Nation, including your decision of January 19, 1906, rejecting said applications, was:

William Davis, Henry Thomas, Ella Voss, Mary Harrison, Frances Milton, John Dotson, Mary Jane Voss, Thomas Love, Ella Myrland, Nellie Elder, Ruthen Campbell, Tom Jackson, Esther, Cassie Elderton, Mary Davis, Nellie Fields, John Elise, William E. Hudson, Jane Voss, Albert E. Hudson, Mary Campbell, Caroline Daniels, Melvina Alderby, Mary Morris, Alexander Wiggott, Amanda Martin, Eliza Martin, John E. Farnon, Edil Davis, Samuel Brown, Edward F. Watson, Jack McConnell, Wade Munley, George Reed, Sr., Jack Lebow, Nell Thompson, Louis Scott, Abe Scott, Emma Langston, Emma E. Allen, Lewis Vanderford, John L. Lewis, Elsie Davis, Charles Williams, John F. Love, John Martin, Lena Peterson, Alex Johnson, Emma Voss.

John Scott, Nancy Ross, Charles C. Smith, Susie Gilbert,
William Skaggs, Susie Johnson, Alfred P. Hopkins, Kimmie Vann,
Freddie Leoney, Lucy Cheateau, Alice Durant, Mahaley Ward,
Fred D. Thomas, Bettie Beck, Ellis Warren, Willie Robinson,
Mary Webber, Frances Martin, Mary Riley, Emanuel Taylor, Henry
Sykes, Larkin P. Powell, Stepheny Dunn, Malinda Vann, Frances
Johnson, Annie Foster, Mary H. Rogers, George Washington Lane,
Jane Brown, Samuel L. Young, John Buckner, Willie Cox, Leonard
Bowles, Malinda Murrell, Charles Claggett, Samuel Irwin, Mary
Ross, Maggie Hays, Neoma Hays, Ella Ross, Elisabeth Duncan,
Sadie Adams, Georgeann Archer, John Claggett, Mattie Smith,
Jack Jackson, Lula Sanders, George Hazelrig, Lizzie West,
Maria French, Mary Johnson, Maggie Vann, William Knise n,
Sarah Rogers, Abraham Ballard, Laura David, John Deckman,
James B. Perry, Isaac Welch, Lawson Logan, George Howe ll,
Henry Masir, George Adams, Annie Thomas, Lewis McConnell,
Callie Vann, Lou Peters, Ida Adair, Robert Brown, Allie Chambers,
Isom Jones, Alice Gunter, Katie Adair, Carrie Martin, Benjamin
Clark, Emily Leoney, John Greves, Matilda McNair, Bettie Vann,
Helson Lett, Fannie Rogers, William Washington, Squire Warren
Owens, Fannie Goldsby, Susan Daniels, Anderson Turk, David Lane,
Felix McClain, Henderson Jones, Belle Vann, Levi Stroud, John
Sumpter, Mariah Thompson, Ellen Sheppard and Lula Walton.

Reporting in the matter March 21, 1908, the Indian Office recommends that your decision be approved. A copy of its letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

Respectfully,

(Signed) Theo Ryan

Acting Secretary.

1 inclosure.

COPY

Cherokee Freedmen

D-486

Muskogee, Indian Territory, April 28, 1905.

Jane Martin,

Coffeyville, Kansas.

Dear Madam:

You are hereby advised that the Commission's decision dated January 18, 1905, rejecting your application for enrollment as a Cherokee citizen by intermarriage, was affirmed by the Secretary of the Interior on April 17, 1905.

Respectfully,

(SIGNED)

Tame Bixby.

Chairman.

COPY.

Charles Freedman

1-24, St. M.

Winkego, Indian Territory, April 26, 1908

Bell, Hastings & Havensport

Attorneys for the Cherokee Nation

Winkego, Indian Territory.

Gentlemen:

You are hereby advised that the Commission's decision dated January 10, 1908, rejecting the applications for the enrollment of William Davis, et al., as Cherokee citizens by intermarriage, was affirmed by the Secretary of the Interior on April 17, 1908.

Respectfully,

(SIGNED) *Tame Bixby*
Chairman

COPY.

Charles Freeman

D-14, et al.

Muskogee, Indian Territory, April 23, 1906.

Commissioner in Charge,

Cherokee Land Office,

Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated January 12, 1906, rejecting the applications for the enrollment of William Davis, et al., as Cherokee citizens by inter-marriage, was affirmed by the Secretary of the Interior on April 17, 1906.


Respectfully,

(SIGNED) *Tamie Dixby.*
Chairman.

VB. J.D. 486

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
JUN 3 1901


ACTING CHAIRMAN

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date

JUN 3 1901

Post Office

Saffordville, Miss

District

Xero

1. Name

David Martin

Age

64

Owner's name

Citizenship

Year

Xero

Page

170

No.

4191

District

Xero

Parents:

Father

Citizenship

Mother

Citizenship

2. Name of wife

Owner's name

Jane Martin

Age

Citizenship

Year

Xero

Page

No.

District

Xero

Parents:

Father

Citizenship

Mother

Citizenship

Names of Children:

	Year	Page	No.	Dist.
3.				
4.				
5.				
6.				
7.				
8.				
9.				
10.				
11.				
12.				

Application made by

Mo

Stenographer

B.C. Jones

Mo on Wallace Roll P. 175 Mo 3267, Xero Dist.

Marriage certificate attached

ref to 10485

NOTE:—Decision regarding colored citizens of the United States intermarrying with colored women citizens of the Cherokee Nation made June 22, 1901.

"Tuesday Morning, June 20, 1901."

"Court convened—Present same as yesterday. The making out of report continued until the court announced the following decision regarding certain colored men who have married colored women of the nation, to-wit:"

"The Court of Commission after mature reflection feel authorized to decide against all cases before it wherein colored or black men are claiming citizenship from marrying black female citizens under the law 'Regulating Intermarriage with White Men,' as they are convinced a correct interpretation of said law will not authorize a clerk of any of the courts to issue a license to a black man to marry a black woman as it only alludes to, and was intended for white men and Cherokee women."

"The Court believes it is further sustained in the opinion that colored citizens, are such by adoption, and as such, cannot confer rights upon others, without further legislation upon the matter; therefore decides 'The following named persons are not entitled to Cherokee citizenship as claimed, to-wit:'"

"George Washington, Cooweescoowee District.

"Henry Johnson, Tahlequah " "

"Lee Cooper, " "

"Henry Bird, " "

"William Madden, " "

"Alonzo Cullen, " "

"Solomon Foster, Illinois " "

"William Hudson, " "

"Haywood Youngblood, Sequoyah District."

EXECUTIVE DEPARTMENT, CHEROKEE NATION.

TAHLEQUAH, I. T., June 22, 1901.

I, J. T. Parks, Executive Secretary of the Cherokee Nation, Indian Territory, do hereby certify that the above and foregoing is a true and correct copy of the decision of the Supreme Court of the Cherokee Nation sitting as a "Special Court of Commission" as found on pages 86 and 87 Record Book No. Five entitled "Minutes of Special Court of Commission," on file in this department.

Given under my hand and the Great Seal of the Cherokee Nation at Tahlequah, Indian Territory, on this the day and date above written.

J. T. Parks
Executive Secretary of Cherokee Nation.

Department of the Interior.

Commission to the Five Civilized Tribes.

In the matter of the application for enrollment of William Davis, et al., as citizens by inter-marriage of the Cherokee Nation, consolidating the applications of:

William Davis,	Cherokee Freedmen D-141.
Henry Thomas,	Cherokee Freedmen D-158.
Ellis Vann,	Cherokee Freedmen D-170.
Mary Markham,	Cherokee Freedmen D-100.
Frances Melton,	Cherokee Freedmen D-110.
John Dotson,	Cherokee Freedmen D-111.
Mary Jane Vann,	Cherokee Freedmen D-115.
Thomas Lowe,	Cherokee Freedmen D-119.
Bill Mayson,	Cherokee Freedmen D-124.
Samie Ridge,	Cherokee Freedmen D-147.
Reuben Campbell,	Cherokee Freedmen D-167.
Van Jackson Luther,	Cherokee Freedmen D-174.
Cassie Middleton,	Cherokee Freedmen D-176.
Mary Harris,	Cherokee Freedmen D-179.
Nellie Ficks,	Cherokee Freedmen D-188.
John Kimbo,	Cherokee Freedmen D-190.
William S. Menden,	Cherokee Freedmen D-199.
Jane Bean,	Cherokee Freedmen D-200.
Albert T. Thomas,	Cherokee Freedmen D-240.
Mary Campbell,	Cherokee Freedmen D-246.
Caroline Daniels,	Cherokee Freedmen D-259.
Melvina Atberry,	Cherokee Freedmen D-267.
Dave Morris,	Cherokee Freedmen D-286.
Alexander Claggett,	Cherokee Freedmen D-303.
Amanda Martin,	Cherokee Freedmen D-304.
Eliza March,	Cherokee Freedmen D-317.
John E. Barnes,	Cherokee Freedmen D-318.
Ben Davis,	Cherokee Freedmen D-355.
Samuel Brown,	Cherokee Freedmen D-345.
Howard F. Watson,	Cherokee Freedmen D-347.
Jack McConnell,	Cherokee Freedmen D-349.
Maude Mauley,	Cherokee Freedmen D-350.

George Reed, Sr.,
 Buck Ledman,
 Bell Thompson,
 Lewis Scott,
 Abe Scott,
 Funder L. Smith,
 Thomas E. Allen,
 Lewis Vanderford,
 John L. Bowlin,
 Katie Davis,
 Charlie Williams,
 John J. Rose,
 Jane Martin,
 John Peterson,
 Alex Johnson,
 Martha Vann,
 John Scott,
 Nancy Rose,
 Charles O. Smith,
 Sadio Colbert,
 William Shaggy,
 Sadio Johnson,
 Alfred P. Hopkins,
 Kinie Vann,
 Freddie Looney,
 Lucy Chonten,
 Alice Durant,
 Mahaley Ward,
 Fred D. Thomas,
 Bettie Beck,
 Ellis Warren,
 Millie Robinson,
 Mary Webber,
 Frances Martin,
 Mary Eiley,
 Emanuel Taylor,
 Henry Sykes,
 Larkin B. Powell,
 Stepany Down,
 Malinda Vann,
 Frances Johnson,
 Annie Foster,
 Mary H. Rogers,
 George Washington Lane,
 Jane Brown,

Cherokee Freedmen D-382,
 Cherokee Freedmen D-408,
 Cherokee Freedmen D-411,
 Cherokee Freedmen D-420,
 Cherokee Freedmen D-421,
 Cherokee Freedmen D-422,
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 Cherokee Freedmen D-674,
 Cherokee Freedmen D-681,
 Cherokee Freedmen D-682,
 Cherokee Freedmen D-692,
 Cherokee Freedmen D-699,
 Cherokee Freedmen D-722,
 Cherokee Freedmen D-726,
 Cherokee Freedmen D-728,
 Cherokee Freedmen D-741,
 Cherokee Freedmen D-742,
 Cherokee Freedmen D-743,
 Cherokee Freedmen D-752,
 Cherokee Freedmen D-753,
 Cherokee Freedmen D-760,

Samuel Lee Young,
 John Robinson,
 Willie Gwynn,
 Elizabeth Burleson,
 Malinda Marshall,
 Charles Claggett,
 Samuel Irwin,
 Mary Ann,
 Maggie Nave,
 Emma Nave,
 Ella Robinson,
 Elizabeth Robinson,
 Shelle Adams,
 Georgeanna Adams,
 John Claggett,
 Hattie Smith,
 Jack Johnson,
 Lela Sanders,
 George Hamblin,
 Linnie West,
 Mable French,
 Mary Johnson,
 Maggie Vann,
 William Hudson,
 Sarah Rogers,
 Abraham Ballard,
 Laura David,
 John Dockman,
 James B. Berry,
 Isaac Welch,
 Isaac Logan,
 George Hamblin,
 Henry Motte,
 George Adams,
 Annie Thomas,
 Louis McDaniel,
 Callie Vann,
 Lou Pater,
 Ida Adair,
 Robert Brown,
 Alice Chambers,
 Isaac Jones,
 Alice Hunter,
 Katie Adair,
 Carrie Martin,

Cherokee Freedmen D-780,
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 Cherokee Freedmen D-887,
 Cherokee Freedmen D-891,
 Cherokee Freedmen D-912,
 Cherokee Freedmen D-912,
 Cherokee Freedmen D-922,
 Cherokee Freedmen D-922,
 Cherokee Freedmen D-972,
 Cherokee Freedmen D-972,
 Cherokee Freedmen D-992,
 Cherokee Freedmen D-1000,
 Cherokee Freedmen D-1002,
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 Cherokee Freedmen D-1022,
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Cherokee Freedman Book 100
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Cherokee Freedman Book 117
Cherokee Freedman Book 118
Cherokee Freedman Book 119
Cherokee Freedman Book 120

William Hudson,
Sarah Koyne,
A. J. Hudson,
J. J. Hudson.

for enrollment as Overseas Citizens
for himself; by United Thanks f
by Sig Marham for his wife, M
Mary Dimes for her husband, Ju
James Lowe for himself, by whom
Hattie Elder; by George Campbell
Johnston for himself, Cassie Mi
for his wife, Emma Elder; by J
John Bann for his wife, Jane Ban
Campbell for his wife, Mary Can
Liberty for his daughter-in-law, M
Jane Claggett for her husband,
and by Charles Smith for his w
his wife, Bell Davis; by Ellen
or husband, Edward G. Tulson
George Hunt, Dr. H. C. Russell
Lewis Scott for himself, by Ab

(continued from page 6)

John (James), Martha McNeil, Bettie Lane, Nelson Lott, Eddie Rogers, William Washington.

[SECOND] TAMS BIXBY, Chairman.
[SECOND] T. B. NEEDLES, Correspondent.
[SECOND] O. R. BRECKINRIDGE, Correspondent.

MINNEAPOLIS, INDIAN TRIBUNE, JANUARY 18, 1904.

Cher. Fr. R. 639

Trans. from Fr. D. 490

Cher. Fr. R. 639

Report to the Inspector General on the 1st of August, 1901.

[Handwritten signature]

That the Commission has been organized and is now in the process of organizing the various departments of the Commission. The Commission has been organized and is now in the process of organizing the various departments of the Commission.

Commissioners

The Commission has been organized and is now in the process of organizing the various departments of the Commission. The Commission has been organized and is now in the process of organizing the various departments of the Commission.

The Commission has been organized and is now in the process of organizing the various departments of the Commission. The Commission has been organized and is now in the process of organizing the various departments of the Commission.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
AUG 12 1901

Case with Fred Peterson, C.F. D-490

Department of the Interior,
Commission to the Five Civilized Tribes,
Cholera, I.T., June 2, 1901.

In the matter of the application of Mary Ann Leak for enrollment as a Cherokee Freedman.

Mary Ann Leak, being duly sworn and examined by Commissioner Needles, testified as follows:

- Q What is your name? A My name is Mary Ann Leak now.
- Q How old are you? A I am 37 years old.
- Q What is your postoffice address? A Nowata.
- Q What district do you live in? A Well, I don't know.
- Q Do you apply to be enrolled as a Cherokee Freedman? A Yes sir.
- Q Who do you want to enroll besides yourself? A I have three children.
- Q Under age? A No, sir.
- Q They are all married? A Yes, sir.
- Q Are you married yourself? A Yes, sir.
- Q Is your husband a citizen? A Yes, sir.
- Q Has he been enrolled? A No, sir.
- Q Why isn't he here to enroll with you; is he here? A Yes, Mr., he is here.
- Q Do you want to enroll him? A No, sir, he will enroll himself I suppose.
- Q Is your name on the roll of 1860? A No, sir, I guess not.
- Q Is your name on any of the Cherokee rolls? A Yes, sir, it is on the Wallace.
- Q Did you draw what is known as the Kern-Clifton money? A Yes, sir.
- Q Did you draw your Kern-Clifton money under the name of Leak? A No, sir, I wasn't married to him then, I drew under the name of Martin.
- The 1860 authenticated roll of Cherokee Freedmen examined and the applicant not identified thereon.
- The 1880 census roll of Cherokee Freedmen examined and the applicant not identified thereon.
- The Kern-Clifton roll examined and the applicant identified thereon page 170, No. 4185, Oowesscoowee district, as Mary Martin.
- The Wallace roll examined and the applicant identified thereon, page 175, No. 3264, Oowesscoowee district, as Mary Ann Martin.
- Q What is your father's name? A David Martin.
- Q Is he living? A Yes, sir.
- Q What is your mother's name? A Jane Martin.
- Q Is she living? A Yes, sir.
- Q Where were you born? A I can't tell you, you will have to see my father about that, I can't tell you anything about that, I don't know.
- Q Where were you raised? A In the Territory.
- Q In the Cherokee Nation? A Yes, sir.
- Q That the first place you can recollect? A Yes, sir.
- Q Well now, have you got any witnesses as to your citizenship? A My father.
- Q Is he a citizen? A Yes, sir.

DAVID MARTIN, being duly sworn and examined by Commissioner Needles, testified as follows:

- Q What is your name? A David Martin.
- Q How old are you? A I am 34.

Q What is your postoffice? A Coffeyville.

Q Are you a recognized citizen of the Cherokee Nation? A Yes, sir, I have been.

Q Is your name on the roll of 1880? A No, sir.

Q Do you know Mary Ann Leak? A Yes, sir.

Q What relation is she to you? A My daughter.

Q Is she a Cherokee citizen? A Yes, sir, she has been so recognized.

Q Does she get her citizenship through you? A Yes, sir.

Q Have you been enrolled yet? A No, sir, not this time.

Q What is your owner's name? A My true owner was named John Martin, but I lived with Joe Martin, his uncle, who was his guardian when his father died in an early day and his uncle was the guardian for him.

Q Was he a Cherokee citizen? A Yes, sir.

Q Were you taken out of the Cherokee Nation during the war?

A No, sir, I was in the woods scouting about the breaking out of the war; yes sir, I belonged to him up to the war.

Q Did you remain in the Cherokee Nation during the war? A No, sir, I remained until February, 1861, in the woods, and then I went to Iowa in '61 and stayed there till '65, I married there in '62, and then went in the army and stayed in the army until the fall of '66 and then was discharged and returned back home in October, '66.

Q Have you been living here ever since? A No, sir, I went back to Iowa for my family, I married there and left this girl and my wife there when I went in the army, and went back there and got them and brought them back through in the fall of '66, up in Kansas, and left them there, and I came here and kept my children there until about 13 years ago I guess, then I came back here and I moved my family down here.

Q Well, 26 years ago; you have been living here for the last 26 years? A Yes, sir, most of the time.

Q Where was Mary Leak born? A She was born in Iowa.

Q Where were you married? A Married in Iowa.

Q That was in what year? A In '61.

Q Then you came back yourself to the Cherokee Nation in '66?

A Came back from the army when I was discharged, came here and came on home.

Q You didn't bring your family until 26 years ago? A I brought my family to up to Kansas, up to Ottawa.

Q But you didn't move them back to the Cherokee Nation until 26 years ago? A No, sir, I didn't bring them all back till 26 years ago.

Q Then you didn't live here in the Cherokee Nation absolutely not until 26 years ago? A Yes, sir, pretty near all the time, I was here in '73 and '4 and '5.

Q Well, where was you from '66 until '73? A I was partly in the Nation, I was scouting judge, the truth of it, I was in the woods; that is the reason I didn't bring my family back, they were trying to kill me.

Q Did you occupy any property or get any land or make a home here?

A Yes, sir, I had a home, had hogs and cows here all the time.

Q From '66? A Yes, sir, with my sister, right of that man's (Mr. Bell) house, east of where he lived.

Q Have you any other grown children besides Mary Ann? A I have four children, three girls and one boy.

Q What are their names? A One is named Josie Looney and the other is named Eliza and the other one is named Willie.

Q Are they here? A Yes, sir, all here.

Q Were they all born in Iowa? A No, sir, there was two born here and one in Kansas; two in Kansas and one here, and the grandchildren were all born here.

Q Are there any other facts in relation to your citizenship which you desire to state? A Nothing more than to prove I was here in '66, came through here in '66.

By W. W. Hastings, Cherokee Attorney: You were married in '61? A Yes sir.

Q In Iowa? A Yes, sir.

Q How come you to go to Iowa? A I got in trouble here at home.

Q How long before the war? A Got in trouble in the fall of '59 and winter of '60 and the winter of '60 I went in the woods.

Q The truth of the matter, you run away from home in '58?

A No, sir, I was here in '58.

Q Are you sometimes known as Wiley? A That is my name, sir.

Q You belonged to Dick Martin's father? A John Martin's father.

Q Well, what relation was he to R. L. Martin? A Well Dick Martin was R. L. Martin and when Gabe Martin went to California he made Dick the guardian of John.

A Did you belong to Dick Martin? A No, sir, John Martin.

Q Well, Joe Martin had charge of you? A Yes, sir, I was off an orphan child's property.

Q And you ran away in about the year 1859? A No, sir, I ran off the winter of '59 or '60.

Q Winter of '59? A Yes, sir, '59 and '60.

Q Where did you go? A Went in the woods, I was scouting.

Q You went to Iowa? A No, sir, I didn't go to Iowa.

Q You were married in '61? A Yes, sir, I left here '61 when they were trying to catch me.

Q How long had you been acquainted with your wife when you married her? A About four months.

Q What time of the year '61 did you marry her? A Married her July 14, 1861.

Q How long had you been in Iowa when you were married? A About four months, been there about two months before I got acquainted with her.

Q And you were in Iowa when the war came up? A No, I was here in the Nation when the war came up, up in the neutral lands scouting.

Q You were in Iowa four or five months before you married? A No, sir, I wasn't that long, because I married about four months after I got acquainted, and I went there in March in the city there she lived.

Q In March of '61? A Yes, sir.

Q Well, this applicant was born in Iowa? A Yes, sir, born in Iowa.

Q Who came back with you to the Cherokee Nation after the war?

A I came back myself, I tell you I come from the army, I come right through here from the army.

Q Where were you discharged? A Discharged at Shreveport, Louisiana, and mustered out at Baton Rouge, and then sent to New Orleans and paid off.

Q Where did you go from there? A Went home, come right up the Mississippi river until I got to a little town at the mouth of the Arkansas, and then I took the Arkansas and run up to Little Rock, and from Little Rock to Fort Smith, and from Fort Smith to Fort Gibson and there I took the military wagons and come from there home, went on from there to Kansas and when I come through here there wasn't anybody here.

Q Not anybody here? A Some few in Gibson.

Q Who did you see at Gibson? A Didn't know anybody but Ervin Vann and saw Jim Liberty after I got up on the prairie.

Q What prairie? A On the military road right along from Gibson to Fort Scott.

Q Did you know him before the war? A Yes sir.

Q Did you stop and have any talk with him? A I stopped and had a talk with him, and we camped by his house.

Q Where was Jim living? A Close to Miss Alberty's place.

Q When was that? A In '68.

Q What time in '68? A October, '68.

Q Then where did you go? A I went from there on to Leavenworth and from Leavenworth --

Q You went right on through this country to Leavenworth? A Yes, sir, and stopped a while, I stayed around there three or four days until I could get a government wagon for home.

Q You went to Fort Leavenworth then? A Yes, sir.

Q For long did you stay there? A I didn't stay there any longer than till I could get a steamer to go up the river.

Q To Iowa? A Yes, sir.

Q You found your family up there? A Yes, sir, found my wife and child.

Q Well, I believe you stated you brought them down to Kansas?

A Yes, sir.

Q Now how long did your wife live there in Kansas? A Well I don't know, she was there two years and was under the doctor, they couldn't move her any way, had to lift her around in quilts; kept her there under a doctor two years and maybe two and a half, until they could get her fixed, had to send back to Ohio to get a doctor's cure then.

Q Well, where did you first permanently locate in the Cherokee Nation? A I permanently located first, I took my claim right side of my sister's on Grand River close to my old home.

Q Close to the mouth of Cabin Creek? A Yes, sir, above the mouth of Cabin Creek.

Q About how far? A About three miles, or four.

Q When did you take that claim? A I took that claim in '73.

Q Did you live on it then? A Yes, sir, I improved it, put up some logs and a foundation on it.

Q Bring your family down then? A I went back and got them after I put the claim in.

Q Is that the first time you had ever come to Cabin Creek after the war? A No, sir, I traveled right through Cabin Creek as I was going home.

Q You testified five years ago that you came and located near the mouth of Cabin Creek in '66? A No I didn't.

Q You deny that now? A Why I sure deny it, I told you plain, you know I did.

Q Where did you have your cows? A Had them at sister Betty's.

Q When did you put them down there? A Put them down there, I don't recollect.

Q In 1875? A No, I put them there before '75; I put them there in '72 or '71; I was down there all those years.

Q But your wife and your children, your family, was in Kansas?

A Yes, sir, I left them up in Kansas.

Q How far did you locate from where Mr. Ball lives? A About three miles I reckon, or four miles.

Q How old is your second child, the next one to this applicant?

A I don't know, she is five or six years younger than this one; six or seven; my wife was sick all the time until I --

Q Just the exact age? A I don't know just exactly the age.

Q Now how old is the third child? A She is about 29 I guess.

Q She born in Kansas? A Yes, sir, born in Kansas.

Q Did you work for Frank Corbins in the year 1886? A I had back Ruffington and Ben Sanders, my brother Spence, came down in '86 in the winter, in January, '86, and chopped some wood for Lewis Hall, and I went back in March, '87; in '87 we come down, January, '87 is what I told you we did, we came down January, '87, and chopped wood for Lewis Hall and went back home where my family was in March, '87.

Q Mr. Bell lived there then? A Yes, sir, he was living there.
 Q You are certain of that? A Yes, sir, I know it.
 Q Well, he never came there till May, 1867? I am just telling you that. A Well he was living there in the Nation, I don't know whether he was living at his house or not.

JIM ALBERTY, being duly sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A Jim Alberty.
 Q How old are you? A 70 years old.
 Q What is your profession? A Farmer.
 Q Do you know Mary Ann Cook the defendant here; used to be Mary Ann Martin, or Mary Ann Petersen? A I don't know her by that name.
 Q Do you know Dave Martin? A Yes, sir.
 Q How long have you known him? A Ever since we were both boys.
 Q Was he a slave? A Yes, sir.
 Q Who did he belong to? A Old Joe Martin.
 Q Was he a Cherokee? A Yes, sir.
 Q Well, when was the first time you saw Dave Martin after the war between the north and south? A At my house.
 Q When? A In 1866.
 Q What time in '66? A Well, I don't know for certain; it might not have been in the fall.
 Q Was he married then? A Didn't have no woman there.
 Q How long have you known him since that; have you known him since that? A Ever since that.
 Q Has he lived in the Cherokee Nation continuously since that time? A Everywhere I saw him it was in the Nation, never saw him out.
 Mr. Hastings: Jim, you know he hasn't been living here? A I don't know anything about that, I tell you he come to my house in '66, he come to my house and I went with him to where an old white man sold whiskey and got me a lot of whiskey and come back; I don't know where he went from that.
 Q You haven't seen him for a long time? A It might have been a year after that, before I saw him; I wasn't particular.
 Q Where did the white man live that you got the whiskey from? A Lived right there the other side of Russell Creek.
 Q Went all the way up there? A Yes, sir; he said he was going for his family.
 Q Was he on horse back too? A Yes, sir.
 Q But he testified that he came in the government wagons? A Well he did after he got up there I guess; I don't know about that.
 Q Well, at Fort Gibson? A I don't know that is at home.
 Q Where were you living? A You know where the old place that old Baugh owns that you call the Nancy Markham place; I was living right there, it was my house.
 Q Do you know the time of the year? A It was in the fall as well as I recollect, fall or summer.
 Q Was that the only time you saw him in '66? A I don't know but what it was.
 Q Well, you have been thinking over the matter? A No, I have never thought over the matter.
 Q You know you were going to be a witness for him? A I guess I am now, when they called me I don't have to hear what any man says when I come to tell what I know.
 Q You testified for him five years ago? A Yes, sir.
 Q You testified then you knew he was working for Frank Gossine? A No I didn't.

Q Do you deny that now? A Yes, sir, I was working for Frank Gossine.

Q At the time you saw him? A Not exactly at the time but I had been working for Frank and Henry Elder was working for me on this place.

Q Do you know where Dave's family was when you saw him? A No, I didn't know anything about his family, I didn't know he had one at that time; Frank told me himself, I was at his house at that time.

Q How do you know? A I heard him.

Q You were sitting right there? A I was sitting where you had me.

Q When did you see his family first? A It was a year or more after I saw him here, that is at my house.

Q Do you think you saw his family here within a year? A Well, it might have been, of course I didn't keep any record of it, I never thought about him until I seen him.

Q I want you to say how long after you saw him until you saw his family? A Maybe a year or more.

Q How much more? A I don't know.

Q You think it has been as much as six or eight years? A I can't say that because I don't know.

Q You applied for enrollment yourself at Vinita? A Yes, sir, I did.

Q You are the man that Mr. Lindsey testified was sold out of here before the war? A Yes, sir, he did, and didn't testify the truth either.

Q But you joined the army at Little Rock? A Yes, sir.

Q Mr. Lindsey said you were sold out down below Little Rock? A Old Lindsey don't know any more about me than a rabbit.

Q You have been pretty near all over the Cherokee Nation for '36?

A Yes, sir, I was pretty near all over it, every place I could get whiskey to sell I went there, that is how come I was all over it.

Q What year is this? A Well I can't tell you that.

Q You don't know one year from another, do you? A No, nobody has never told me what year this is.

Q Yet you remember what happened 35 years ago? A People that are sane, knows the dates, and told me of that.

Q But they never told you a year since that? A No, sir, never asked nothing about it, because I didn't care, never had a thought nothing about the dates or anything else since; it was told me and I was satisfied I was inside of the treaty and I noticed everybody else I seen was inside until that year was out, then I never kept no record since because I thought them came home after that was out, and I didn't pay no attention to them.

Q Where did you first see this family, at what point? A I can't tell you that, I don't know that.

Q You don't know when where you saw his family? A No, sir, I don't know, I don't recollect.

Q And you don't know how many years? A No sir, I don't.

Q Do you know when you first next saw Dave? A No, I don't know as I can place where I next saw him; the way I recollect him now I went with him.

MARY ANN LEAK, recalled, testified:

Q Commissioned Dave and his children? A Yes, sir.

Q How many? A Three.

Q They are all married, are they? A Yes, sir.

Q Mr. Hastings, where was you married first? A I was married, I can't tell you the place, it was in the state though, the first time I married.

Q How many times? A It was in the state.

Q And was your first husband's name? A Hastings.

Q Were you living with your mother at the time you married?

A Yes, sir.

Q What was the date of your marriage? A I can't tell you about that.

Q About how old were you? A I can't tell you that either.

Q I mean when you married? A Well I don't know exactly myself, father can tell you.

DAVID MARTIN, recalled, testified:

Mr. Hastings: About how old was your daughter when she married first? As much as 18 or 20? A She was 18 I think.

MARY ANN LEAK, recalled, testified:

Mr. Hastings: Were you married but the one time? A I have been married the third time.

Q What is your eldest child's name? A Bourna.

Q Where was Bourna born? A She was born, I don't recollect that either now; you will have to ask father that question.

Q You are the mother of that child? A Yes, sir, I am her mother, but I don't know what year she was born or where we were living at.

Q Born in Kansas? A We were living in Kansas when she was born.

Q What is your next child's name? A Charity.

Q Was she born in the Territory? A Yes, sir.

Q Where? A Up there away up above where we first lived, I don't know where at.

Q That is when you first came into the Territory? A Yes, sir.

Q How how old is the second child? A I don't know that either, I never kept no account of nothing of the dates, my father attended to that.

Q Did you come in when your mother came? A Yes, sir, I came with my father and mother.

Commissioner: What was your first husband's name? A Peterson.

Q What was your second husband's name? A King.

Q Is he living? A I don't know, sir, whether he is or not.

Q Your first husband? A I don't know that either.

Q Were you divorced from both of them? A Yes, sir.

Mr. Hastings: Where were you married to King, your second husband? A Down here at Lightning Creek at Campbell's office.

Q Where were you divorced from Peterson? A In the states.

Q Kansas? A Yes, sir, where I married him.

Q Who was the father of the second child? A Peterson; I have no children by any man except my first husband.

Q Those three children must have been born in Kansas? A No, sir, wasn't all born in Kansas.

Q You got a divorce from him in Kansas? A Yes, sir.

Q Did you go back to Kansas after you came back here? A Yes, sir.

Q How long had you lived here when you returned to Kansas? A When I went back, I didn't exactly know.

Q A month? A I guess must be longer than that.

Q Well, from your best judgment? A Well, I can't tell you, my father will have to tell you about that because he being quite young, I never paid no attention to nothing of that kind.

Q You can state whether you stayed here longer than a month when you first came down here, before you went back? A Yes, sir, I guess something over a year before I went up.

Q How long did you live in Kansas when you went back? A I wasn't living in Kansas, I just went there merely on a visit, and came back.

Q You got a divorce up there? A Yes, sir, but I didn't have to stay there long to get it.

COMMISSION TO THE FIVE CIVILIZED TRIBES
DEPARTMENT OF THE INTERIOR

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Q What county did you get it in, what town? A G. Tex.
Mr. Bell: That year was that? A I can't tell you nothing
about that.

Commissioner: Mary Ann Leak applies for the enrollment
of herself. She is not identified upon the authenticated
roll of 1880, but is identified upon the Kern-Clifton and
Wallace rolls, as Mary Ann Martin, that having been her
maiden name. She avers that she is the child of David Martin.
She will be listed for enrollment as a Cherokee Freedman
on a doubtful card, and will be notified of the decision of
the Commission, when arrived at, by mail.

Continued

Bruce S. Jones, being duly sworn, says that as stenographer to
the Commission to the Five Civilized Tribes he correctly recorded the
proceedings and testimony in the above case, and the foregoing is a
true and complete transcript of his stenographic notes thereof.

Bruce S. Jones

Sworn to and subscribed before me this the 6th of August, 1901.

[Signature]

Commissioner.

Department of the Interior,
Commission to the Five Civilized Tribes,
Cherokee, I. T., June 3rd, 1901.

In the matter of the application of Fred Peterson for the enrollment of himself and one child as Cherokee Freedmen; being sworn and examined by Commissioner Brookbridge-Needles, he testified as follows:

- Q What is your name? A Fred Peterson.
Q How old are you? A I don't know.
Q About how old? A I couldn't say, I don't know.
Q You are not a hundred are you? A No sir.
(Applicant's mother says he is 127)
Q You aint married are you Fred? A Yes sir.
Q Who do you want to enroll besides yourself? A I have one baby.
Q What is its name? A Mary Talada Peterson.
Q About how old is it? A Close to about 10 months old I think.
Q What is your wife's name? A Lena Peterson now at the present time; she was Molain.
Q Is she a citizen? A I don't know; I think she is.
Q Do you apply for her? A I reckon so.
Q Have you got any proof as to her citizenship here? A No sir.
Q When were you married to Lena? A I was married to her--
Q Have you got a license? A I have got a license, but I haven't got him here with me.
Q Certificate of marriage on the license, is there? A Yes sir.
Q You want to send that to us? What was your father's name? A Sam Peterson.
Q What is your mother's name? A Mary Ann Leek now at the present time.
Q Did you draw what is known as the Kerns-Clifton money, Strip money?
A I think I did.

1880 authenticated roll of citizens of the Cherokee Nation examined and applicant not identified thereon.

1896 census roll of citizens of the Cherokee Nation examined and applicant not identified thereon.

Kerns-Clifton pay roll of citizens of the Cherokee Nation and applicant identified thereon as follows:
page 170 #4194 Fred Martin, Ocoee District.

Wallace roll of citizens of the Cherokee Nation examined and applicant not identified thereon.

- Q Where were you born? A In Ocoee District I reckon.
Q Lived there all your life? A Yes sir.

Com'r Needles: Fred Peterson applies for the enrollment of himself; he is duly identified upon the Kerns-Clifton roll; he avers that he was married to one Lena Molain, whose citizenship at this time is not to be proven. He avers that he has one child, 10 months of age; he makes no satisfactory proof of marriage; he avers that he is a child of Mary Ann Leek, who was listed for enrollment, on B card 485 and the testimony taken in B 485 will be made part of the testimony in the case of the applicant and a copy of same will be filed; he makes satisfactory proof as to residence, consequently Fred Peterson and his child Mary T. will be listed for enrollment as Cherokee Freedmen upon a doubtful card; it will be necessary for him to file with this Commission his marriage license and certificate of marriage, together with proof of birth of the child, Mary T. he will

Fred Peterson et al 2.

be duly notified by mail of the decision of the Commission when arrived at.

M. D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) M. D. Green.

Subscribed and sworn to before me this June 5, 1901.

(Signed) T. B. Needles.

Commissioner.

Louise Smith, Being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes she has made the foregoing copy and that same is a true and complete copy of the original transcript.

Louise Smith

Subscribed and sworn to before me this September 8, 1904.

W. H. Humphreys

Notary Public.

RECEIVED BY THE DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
JAN 10 1901

TO THE COMMISSIONER OF THE BUREAU OF INDIAN AFFAIRS
WASHINGTON, D. C.

DEAR SIR:

I have the honor to acknowledge the receipt of your letter of the 2nd inst. in relation to the matter of the Five Civilized Tribes. I am sorry to hear that you are unable to attend to the matter at present. I am sure that you will be able to do so as soon as possible. I am, Sir, very respectfully,
Yours,
J. M. Smith

Very truly,
J. M. Smith
Commissioner of the Bureau of Indian Affairs
Washington, D. C.

RECEIVED
JAN 10 1901

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
JAN 9 1901

TO THE COMMISSIONER OF THE BUREAU OF INDIAN AFFAIRS
WASHINGTON, D. C.

File with case of Fred Peterson et al
C. E. W. 490

Department of the Interior,
Commission to the Five Civilized Tribes,
Tulsa, L. T., October, 2d 1904.

SUPPLEMENTAL TESTIMONY in the case of David Martin et al., C. E. W. 490.

W. W. Hastings, attorney for the Cherokee Nation,
Hallett & Smith, attorneys for the applicants (Applicant present)

SMITH SWORN, being first duly sworn by Commissioner C. R.
Franklin, testifies as follows on the part of the Cherokee
Nation:

- Q What is your name? A Smith Sworn.
Q Have you any middle name? A No sir.
Q How old are you? A Going on 61.
Q What is your post office? A Ottawa.
Q In Kansas? A Yes sir.
(By W. W. Hastings.)
Q You live in Ottawa, Kansas? A Yes sir.
Q How long have you been living at Ottawa? A I came there in 1864.
Q Where did you move from? A I moved from Ohio City, a little place
eight miles south of Ottawa.
Q How long had you lived within eight miles south of Ottawa before '67?
A I came there in 1858.
Q Have you been living in Ottawa since 1877? A Yes sir.
Q Do you know this colored man, David Martin that you saw here? A I
do.
Q When did you first become acquainted with him? A 1868, about time I
ever recollect of ever seeing him.
Q Where did you see him? A In Ottawa.
Q Do you know his wife? A I do.
Q What is her name? A Jane.
Q When did you meet his wife to know her? A In 1867, after I got ac-
quainted with brother Martin.
Q Where did you get acquainted with his wife? A In Ottawa.
Q Did they have any children? A They did.
Q Name some of them if you remember? A Mary Ann.
Q Recollect any of the rest of them? A I can't swear to what the
children's names were only Mary Ann.
Q Do you know whether Mary Ann was married? A Yes sir she was married.
Q Who got a man named Peterson.
Q Do you know where Martin's wife was in '68 when you knew him and
before you knew her? A I don't.
Q Did he or she ever tell you what she was? A Never did, neither one
of them didn't tell me.
Q You don't know where she came from when she came to Ottawa? A No sir
I don't know personally from her.
Q Or from him either? A No sir I don't think so or she either ever
told me.
Q Well, what was Dave Martin and his wife doing when you knew them
in Ottawa? A I don't know.
Q Were they living there? A Just living there as any other citizens.
I don't know as they had any particular trade.
Q How long did you know them up there, living there in Ottawa? A I
don't know some six or eight years. I can't show how long exactly,
never kept no track of it.
Q Some six or eight years? A Yes sir, that long or more longer. He
was a member of our church and a prominent man there.
Q What time in '68 do you think you saw him first? A First of August,
I believe it was, or September. I don't know what we used to have
a day we celebrated.
Q It was then in the summer of 1868? A Yes sir.

Q You live now in Ottawa, Kansas? A Yes sir.

(By Mr. Smith)

Q Where were you when the war commenced? A In Fayetteville, Arkansas

Where did you go during the war? A I went several places.

Did you go out of the State of Arkansas? A Yes sir.

Where to? A Missouri.

Where were you when the war closed? A In Kansas

Where were you when you were freed? A When I was declared freed?

Yes. A In Arkansas

When was that? In '62, February, so it was in '63 when I received a message from my Captain that I was free.

Do you know what time in '63? A Long in January.

Do you know what time in January? A I don't know, I didn't care about the time all I cared was about the freedom.

What time did you go to Kansas? A Spring of '65, April.

Did you know David Martin before the war? A No sir.

When did you first get acquainted with him? A '66.

What time in '66? A August or September, we was at the celebration.

Where were you in '66? A I was in Bettowatague

in Kansas? A Yes sir.

Where were you in '66, in Kansas? A Did I say '65.

Yes? A Well I was in Ohio City in '65.

Where were you in '67? A In Ottawa.

Have you lived there ever since? A Yes sir.

When did you say that Dave Martin lived there in Ottawa? A '66, I knew him there -- it has all been so long I don't exactly remember it all, I never kept no track of it.

You never knew nothing of him until you saw him at that celebration in '66? A No sir.

You don't know what date that was? A No sir, my recollection is growing very short, I don't know if it was August or September.

Do you know if it was either one of those months? A Yes sir.

Might it not have been as late as October? A No sir it wasn't October.

Are you sure that celebration was in '66? A Yes sir I am sure of hat

What makes you sure of it? A Because I know what year it was, I know from the time I come to Kansas, I know just when I come from there to Kansas.

When did you come there? A 1865

What month? A April

How long had you been there when this celebration come up? A I lived in Linn County in '63, in Franklin in '64, and in '65 I lived in Franklin -- hold on there, let me see whether this celebration was in '65 or not -- '65, that is right.

Then as a matter of fact it was in '65? A Yes sir.

Who spoke up there? A There was no speaking there was singing let's see there was Fuller Carter and Alice Gray and --

Have a man named Hancock that made a speech? A I don't know, there was so many and I never kept no track, it has been so long.

Now that celebration was in '67 wasn't it? A No sir it wasn't, no the first celebration we had.

Am talking about the one at which you met David Martin? A No sir

You think it was in '65 do you? A Yes sir I recall it very well

Ever since you have brought it to my mind.

Do you know where David Martin was in '66? A I don't know, only I met him in Ottawa, but I don't know where he was all the time, he is in and out, he is like a fish a fluttering and a jumping, just like a fish out of water, and he flutter and jump so much I can't tell where he was.

Then you are mistaken in saying that it was in '66 that you saw him first? A Yes sir I made a mistake there.

Can you state now positively that you saw him at all in '65? A No

course I can.

Q Where did you see him? A Seed him in Ottawa.

Q But you don't know where he was all the time? A Just like I did other citizens, some days I seed him and some days I didn't.

Q How long did you continue to see him there? A Seed him frequently for 6, 7 or 8 years, I don't know exactly how long.

Q Where were you living in '60? A I was living down to Ohio City, south of Ottawa.

Q How far from Ottawa? A Eight miles.

Q You were not living in Ottawa then? A My home wasn't there I worked in Ottawa I was working a team there.

Q Did you team in Ottawa in '60? A Yes sir.

Q How much of the time? A I teamed there all fall and summer, that was my occupation.

Q But your home was in Ohio City? A Yes sir.

(By the Commission)

Q You say you got acquainted with Dave Martin's wife Jane along about '67? A Yes sir after I moved to town.

Q When did you move to Ottawa? A In '67.

Q And you have made it your home ever since? A Yes sir.

Q Now according to Dave Martin's account and according to your own account he took his family away from there about '74? A (No response.)

Q Were you acquainted with his family from '67 to '74, 6 or 8 years?

A Yes sir.

Q What were you doing in Ottawa during that time? A I was living there and my occupation was quarrying and hauling stone.

Q Did you belong to the same church as Dave Martin? A I did.

Q You say he was a prominent man in the church there? A Yes sir.

Q Was he living there with his family all the time for that six or seven years? A Yes sir.

Q Did you meet him regularly at church during that time? A Yes sir.

Q You don't remember his being away from there for any considerable length of time during that time? A He was away in and out.

Q Did he seem to be a man that was making that his home with his family? A That was his home, he told us though that he belonged in the Nation.

Q Was he living there pretty much of the time with his family? A Yes sir.

Q What business did he follow? A Anything he could get to do, well digging and anything he could make any money at, anything he could get to do like the rest of us poor fellows.

Q Did you ever miss him from church any great length of time? A Yes sir I have missed him considerable from church.

Q How much of the time? A I never kept track.

Q Did he impress you as a man that would stay away from his family for a long period of time? A Not a great long period of time.

(By Hastings)

Q Mr. Ewing, what the Commission wants to know is whether or not you saw Dave Martin at regular intervals and frequent intervals for the six or eight years that you say you saw him living there like any other man of that town? A Yes sir, saw him just like any other man there.

(By Smith)

Q Do you know whether in '75 Martin's wife joined the church up there? A No I don't recollect anything about her joining the church.

Q Didn't your brother and this man's wife get religion at the same time up there in '75-- isn't Brice Brown your brother? A Yes sir.

Q Don't you recollect him and Jane Martin getting religion about the same time? A I recollect of my brother getting religion but I thought Sister Martin had religion long before that; I recollect the revival there very well.

Q When was it? A It has been so long I am not positive as to the time, it was before we built our new church.

Q Do you know whether if at this time Dave Martin was away from that

place and here in the Nation? A I think he was.

Q Can you tell us when that was? A The church was founded in 1887—I guess 1885, it has been so plagued long my mind is so forgetful.

Q Then you don't know? A I won't swear when it was.

(By the Commission)

Q Did you visit frequently at Dave Martin's house? A Yes sir.

Q Do you remember how many children he had in Kansas? A No sir, I don't remember.

HORACE B. PARAMORE, called and sworn as a witness by Commissioner C. R. Breckinridge, testified as follows: (On the part of the Cherokee Nation)

Q What is your name? A Horace B. Paramore.

Q How old are you? A 43.

Q Where do you live? A Ottawa, Kansas.

Q That is your post office in it? A Yes sir.

(By Hastings)

Q What is your occupation? A My business is physician and surgeon, but I haven't been doing that for some little time.

Q How long have you lived in Ottawa? A Since the 25th day of March 1886.

Q You were quite small when you came there? A Yes sir, landed there on my sixth birthday.

Q Do you know this colored applicant for citizenship, David Martin? A Yes sir.

Q Where did you first know him? A At Ottawa.

Q Do you know his wife? A I used to know her, I don't know if I would if I saw her now or not.

Q He had a wife, did he? A Yes sir.

Q Where did you first know this colored man Dave Martin? A I think I got acquainted with him when he first came there, there were only a few people white or black at that time.

Q When was that? A Fall of '86.

Q How large a place was Ottawa at that time? A I don't think more than sixty or seventy-five perhaps one hundred people.

Q New town? A Yes sir.

Q You have continued to reside there ever since that time up to now? A Yes sir.

Q How long did you know Dave Martin and his family to reside there from when you first knew them, on up? A They resided there several years, as to the exact number of years I can't say, I don't know exactly when they left there.

Q You know they resided there a number of years? A Yes sir.

Q Did you see Dave Martin frequently? A Yes sir.

Q What is your best judgment as to the length of time that you saw him and his family there? A Well I should say that they lived there at least 10 or 12 years and probably more, that is the best of my judgment, 10 or 12 years at the least calculation.

Q Did you see him there as you would say other resident of the town? A Yes sir.

Q Do you remember his wife's name, or did you know that? A I can't say for certain that I do.

Q Do you know of his having children? A Yes sir.

Q Did you see them there? A Yes sir.

Q Do you remember any of their names? A Well, I can't swear that I

Q You know that he had children though? A Yes sir and I probably knew them at the time.

By Mr. Smith.

Q What are your initials? A H. B.

Q What business are you engaged in now? A At present I am not doing

anything for the past eight years; I loan some money and look after my property.

Q Your business is that of a physician and surgeon? A Yes sir.

Q You say you were only six years old when you went to Ottawa? A Yes sir.

Q You don't know the time positively that Martin came to Ottawa? A The exact dates?

Q You don't know the exact year? A I think it was early in the fall or late in the summer of '66.

Q Do you state that positively or not? A I do.

Q That it was in '66? A Yes sir.

Q How do you fix that date? A By conversations I have had with my folks at home, with old citizens there and with a conversation I had with Mr. Martin in Parsons on yesterday.

Q Do you fix it with with conversations you had with him or with others?

A With all of them together, all agree in regard to the date.

Q You are not testifying then as to your independent recollection as to the time? A I recollect him as one of the first colored men in Ottawa.

Q Can you testify as of your own independent recollection that he came there in '66? A You have my answers which are the best that I can give you.

Q Can't you answer that yes or no? A I say yes.

Q Then you can recollect this without reference to anything that anybody told you, that it was '66 that he came there? A Yes sir.

Q And remember that it wasn't the fall? A I said it was either late in the summer or early in the fall.

Q If you remember it yourself and can state it from your independent recollection, why do you state anything in regard to conversations had with other people? A In the first place I wanted to be sure and when these other folks agreed with me in regard to the time I said so. After I was subpoenaed down here I talked the matter over with the people who were there, as I wanted to be sure about it. In 1865 there were no colored people in Ottawa at all and in 1866 there was four families I think moved into Ottawa and Mr. Martin was one of these families.

Q Do you remember that in the year 1865 there were no colored people in Ottawa, or is that what you have been told? A I remember it because there were only two or three families of whites there then, and no colored people at all.

Q You went there yourself in '66? A Yes sir.

Q You were then six years old? A Yes sir.

Q Do you claim that you remembered the change of the year, the ending of '65 and the beginning of '66 at that age, and that in the one year there were no colored people there and in the next year there were four families of them moved in? A Yes sir, I remember their coming there because where I come from there were no colored people.

Q Where did you live before you came to Kansas? A Ohio.

Q Might it not have been '67 instead of '6? A It might have been but I don't think it was.

(By Hastings)

Q You say you had a conversation with Martin which refreshed your memory? A Yes sir he had a conversation with me; he met me in Parsons and asked me — no, I told him I was coming down here to testify for the Nation, and we got to discussing when he came there, and he said " In the first place I came there in August of '66 " and then she said " Hold on, it was October of six '66 "

(By Smith)

Q What did Mr. Martin say in his conversation, if anything in regard to the length of time he staid there at that time? A Well he stated that the Cherokee Nation knew that he commenced suit against them somewhere along in the '70's, I don't remember that time in '70 whether

it was in '70 '72, '4 or '6, and that their records would show the dates. He said "the records will show the date I commenced that suit. I was afraid to bring my family from Kansas to the Nation" But as to what year in the '70's I don't know - I don't know if he stated exactly this year.

(By the Commission)

Q Do you know whether Dave Martin ever voted in Ottawa or not? A. A. to that I can't say, I was too young to mix in politics then, if it was within the last fifteen years I could tell you.

Q From the time he arrived with his family in Ottawa until he took them away some six years afterwards, did you know him and his family as steady and consistent residents of Ottawa? A Yes sir.

Q Was he living there as a man who came there from time to time or as any other regular resident? A Is a man who lived there continuously.

Q Did you ever miss him for any length of time? A No sir.

(By Smith)

Q Did he have any children at that time? A I don't know whether he had any children in the first place, he had one or two born there.

Q The children he had born there when he left there were small children were they not? A Yes sir, small children.

(Smith being recalled and examined by the Commission)

Q Do you know whether David Martin ever voted up in Ottawa? A No I don't know whether he did or not.

This will be filed as supplemental testimony in the case of David Martin et al., C. F. D. #486, and also in C. F. D. #485, #497, #487, #488, #489, #490, #491, and #501.

Chas. von Weise, being first duly sworn, states that as stenographer to the Commission to the Five Civilised Tribes he reported in full, all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes therein

(Chas von Weise)

Subscribed and sworn to before me this the 3rd of October, 1901.



Commissioner.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T. October, 18th 1901.

In the matter of the application of Thomas Archer, G. P. D. 401.

Appearances:

James S. Davenport for the Cherokee Nation;
Mellott & Smith for the applicant;

CLEM V. ROGERS, being first duly sworn by J. H. Needles,
testified as follows on the part of the Cherokee Nation:

(By Davenport)

Q What is your name? A Clem V. Rogers.

Q Where do you live? A Eldersburg.

Q What is your age? A 53.

Q How long have you lived in the Cherokee Nation? A All my life except during the war.

Q Do you know the applicant Thomas Archer? A Yes sir.

Q How long have you known him? A Since '80.

Q Where was he when you first saw him to know him? A Cowpens district.

Q Where were you in '67? A Fort Gibson.

Q Did you have anything to do with the Rogers Salt Works on Grand river in '67? A No sir.

Q Did you go there yourself or with anyone else in '67 and take them away from Thomas Archer or any other person? A No sir, in '67 I was freighting.

Q Did you ever drive him or any one else away from there? A No sir.

(By Mr. Smith)

Q There are several gentlemen that are Cherokee citizens by your name are there not? A Yes sir.

Q It is a right prominent name in the history of the Cherokee Nation? A Yes sir.

Q If Thomas Archer testified that you took the salt works away from him he was mistaken about that? A Yes sir.

Q You don't know when he came back? A No sir.

Q Did you know him before the war? A I don't know that I did.

(By Davenport)

Q There was only one Clem Rogers in the Cherokee Nation in '67 that was a grown man? A I didn't know of any other at that time, there is several now.

This will be filed in Cherokee Freedmen case, D-401; D-402; D-481;
D-497; D-486; D-484; D-488; D-489; D-490; D-491; D-428; D-550; D-564;
and D-568.

Chas. von Weiss, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes therein.

Subscribed and sworn to before me this 17th of October 1901.


Commissioner

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RECEIVED
U.S. DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
WASHINGTON, D.C. 20250
JAN 10 1962

THE FOLLOWING INFORMATION IS FOR THE INFORMATION OF THE BUREAU OF LAND MANAGEMENT, WASHINGTON, D.C. 20250, AND THE BUREAU OF REVENUE, WASHINGTON, D.C. 20540, IN CONNECTION WITH THE PROPOSED ACQUISITION OF THE LAND DESCRIBED IN THE ATTACHED MAP.

THE LAND DESCRIBED IN THE ATTACHED MAP IS LOCATED IN THE STATE OF CALIFORNIA, COUNTY OF SAN DIEGO, AND IS OWNED BY THE STATE OF CALIFORNIA.

THE LAND DESCRIBED IN THE ATTACHED MAP IS PROPOSED TO BE ACQUIRED BY THE BUREAU OF LAND MANAGEMENT, WASHINGTON, D.C. 20250, FOR THE PURPOSES OF THE NATIONAL SYSTEM OF PUBLIC LANDS.

THE LAND DESCRIBED IN THE ATTACHED MAP IS PROPOSED TO BE ACQUIRED BY THE BUREAU OF LAND MANAGEMENT, WASHINGTON, D.C. 20250, FOR THE PURPOSES OF THE NATIONAL SYSTEM OF PUBLIC LANDS.

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Department of the Interior
Commission to the Five Civilized Tribes,
Vinita, I. T. October, 25th, 1901.

Supplemental testimony in the matter of the application of David Martin C. F. D. 486.

Appearances:

James S. Davenport for the Cherokee Nation.
Mellette & Smith for the applicants.

H. G. HARFORD being first duly sworn by Com'r T. B. Haskins, testified as follows on the part of the Cherokee Nation:

(By Davenport.)

Q What is your name? A H. G. Harford.

Q Where do you live? A Ottawa, Franklin County, Kansas.

Q How old are you? A 44.

Q How long have you lived in Ottawa? A Since 1865.

Q Since you have been living in Ottawa, Kansas, did you become acquainted with a colored man named David Martin? A Yes sir.

Q When did you become acquainted with him? A In the Summer of '67.

Q Have you seen the gentleman since you came down here? A Yes sir I met him on the street.

Q How long after you became acquainted with him did David Martin reside at Ottawa or near there, or about how long? A David Martin lived at Ottawa and left there about 27 years ago, 20 or 31 years ago, and from the time he was there he was there off and on all the time, I missed him for a while and saw him for a while, he would be gone a good deal, where he was I of course don't know.

Q Did he have a family then? A Yes sir.

Q You say you met him this morning? A Yes sir.

Q Did you recognize him as the David Martin that you knew up there?

A Yes sir, I did.

Q Did he recognize you? A He didn't for a while, after he studied he finally made up his mind who I was.

(By Smith)

Q What time did you first know David Martin? A To the best of my knowledge it was in '67; I got acquainted with David Martin when I had been there a couple of years.

Q How old were you then? A I guess I was about 11 years old.

Q How old was David Martin then? A I don't know.

Q Was he a man? A Yes sir he was a man grown when he came there.

Q You are not sure as to the year you met him in? A I can't positively swear as to the year, I know he came there about a year and a half or two years after I came.

Q That is as long as you can remember after that length of time? A Yes sir.

Q You say he was there part of the time and the other part of the time you missed him? A Yes sir, probably I would see David Martin every couple of months or so.

Q You didn't see his family? A Yes sir.

Q Where? A In Ottawa there, I knew one of his daughters, the oldest one.

This will be filed in the original case and also in C. F. D. 485 and the sub-references thereto.

Chas. von Weize, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above case and that the foregoing is a true and correct transcript of his stenographic notes therein.

Subscribed and sworn to before me this 24th of October, 1901.

[Signature]
Commissioner.

F.P.T.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

In the matter of the application of David Martin et al.,
for enrollment as Cherokee Freedmen, consolidating the applica-
tions of--

David Martin et al.,	Cherokee Freedmen D-486
Mary A. Leek	Cherokee Freedmen D-485
Josie Looney et al.,	Cherokee Freedmen D-487
Eliza Manuel	Cherokee Freedmen D-488
William H. Martin et al	Cherokee Freedmen D-489
Fred Peterson et al	Cherokee Freedmen D-490
Lourena Rowe et al.,	Cherokee Freedmen D-497
Charity Taylor	Cherokee Freedmen D-491

D E C I S I O N.

The record herein shows that applications for enrollment, as Cherokee Freedmen, were made to this Commission by David Martin for himself; by Mary A. Leek for herself; by Josie Looney for herself and her minor children, Clarence, Coral, William, Julia, Georgia F. and Wayne Looney; that subsequent to the date of her original application a birth affidavit, which is made a part of the record herein, was filed with this Commission showing the birth of her child Jettie Looney, on August 23, 1902; by Eliza Manuel for herself; by William H. Martin for himself and his minor children, Captola, Amanda and Charles A. Martin; that subsequent to the date of his original application a birth affidavit, which is made a part of the record herein, was filed with this Commission showing the birth of his child, Bunk Roscoe Martin, on November 16, 1901; by Fred Peterson for himself and his minor child, Mary T. Peterson; by Perry Rowe for his wife, Lourena Rowe, and his minor children, Inola and Aleck Rowe; that subsequent to the date of his original application a birth affidavit, which is made a part of the record herein, was filed with this Commission showing the birth of his child Elizabeth Rowe, on April 10, 1902; and by Charity Taylor for herself. The application of the said David Martin, William H. Martin and Fred Peterson also included their wives, Jane Martin, Carrie Martin and Lena Peterson, respectively, who claim right to enrollment as Cherokee Freedmen by intermarriage, but as the status of such claimants by intermarriage is not fixed at this time, the said Jane Martin, Carrie Martin, and Lena Peterson are not embraced in this decision. The testimony taken in the case of Thomas Archer Cherokee Freedmen D 901, is filed with and made a part of the record herein.

The evidence shows that the said David Martin was the slave of a Cherokee citizen at the commencement of the rebellion; that during said rebellion he left the Cherokee Nation and did not return and take up his residence therein until after February 11, 1867. All the other applicants herein were born since the commencement of the rebellion and are descendants of, and claim right to enrollment through, the said David Martin.

-2-

None of the names of the applicants herein are found on the 1890 authenticated roll of the Cherokee Nation.

It is, therefore, the opinion of this Commission that the application for the enrollment of David Martin, Mary A. Leck, Josie Looney, Clarence Looney, Coral Looney, William Looney, Julia Looney, Georgia V. Looney, Wayne Looney, Fannie Looney, Eliza Mammel, William H. Martin, Captola Martin, Amanda Martin, Charles A. Martin, Bunk Roscoe Martin, Fred Peterson, Mary T. Peterson, Leurena Rowe, Inola Rowe, Aleck Rowe, Elizabeth Rowe and Charity Taylor, as Cherokee Freedmen, should be denied, under the provisions of section twenty-one of the Act of Congress approved June 28, 1896 (30 Stat. 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES

(Signed)

Tamr Bixby
Chairman

T. B. Needles
Commissioner

C. R. Breckinridge
Commissioner

W. E. Stanley
Commissioner

Dated at Muskogee, Indian Territory
this March 5, 1904.

(Copy of a Copy)

DEPARTMENT OF THE INTERIOR
WASHINGTON

Y.P.
JHE

I. T. D. 6494-1904
D. O. 30845-1904

August 18, 1904.

Commission to the Five Civilized Tribes.

Muskogee, Indian Territory.

Gentlemen:

March 25, 1904, you transmitted the record in the consolidated Cherokee freedman case of Davis Martin, et al (D-486), including your decision dated March 5, 1904, rejecting the applicants.

Reporting in the matter August 15, 1904, the Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

Respectfully,

(Signed) Thos. Ryan,
Acting Secretary

1 inclosure.

COMMISSIONERS:

TAMM HIXBY,
THOMAS H. WHEELER,
C. E. BRANCHFORD

WM. C. BRALL,
Secretary.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

NOTE IN REPLY TO THE FOLLOWING:

Cherokee Freedmen

D-490.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, September 1, 1904.

Fred Peterson,

Nowata, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated March 8, 1904, rejecting, among others, your application for the enrollment of yourself and minor child, Mary T. Peterson, was affirmed by the Secretary of the Interior on August 18, 1904.

Respectfully,



Chairman.

COPY.

Cherokee Freedman
No. 400.

Muskogee, Indian Territory, January 24, 1903.

Lena Petersen,

Scouta, Indian Territory.

Dear Madam:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated January 19, 1903, rejecting, among others, the application for your enrollment as a Cherokee citizen by intermarriage.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

(SIGNED)

Tamm Bixby

Chairman.

Encl. 1-55.

Register.

COPY

Cherokee Freedmen
No. 34 of 31.

Washago, Indian Territory, January 24, 1905.

Washago, Indian Territory,

Attorneys for the Cherokee Nation.

Washago, Indian Territory.

Gentlemen:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated January 20, 1905, respecting the applications for the enrollment of, William Davis, Mary Thomas, Ella Vann, Mary Martin, Frances Nelson, John Johnson, Mary Jane Vann, Thomas Love, Ella Hayfield, Nellie Riker, Emma Campbell, Van Jackson Lyder, George Middleton, Mary Hardin, Nellie Fitch, John Hines, William F. Nelson, Sam Dean, Albert T. Thomas, Mary Campbell, Caroline Nelson, Helvia Albert, Sam Harris, Alexander Campbell, Emma Martin, Ella Parker, Sam E. Thomas, Nell Davis, George Brown, Samuel F. Nelson, Sam McCampbell, Emma Hardin, George Hays, Sr., Sam Leland, Sam Johnson, Maria Scott, Sam Scott, Homer Sawyer, Thomas E. Allen, Louis Vandewater, John I. Bowlin, Emma Dean, Martha Williams, John J. Vann, Sam Martin, Sam Peterson, Sam Johnson, Martha Vann, Sam Scott, Henry Hays, Charles E. Smith, Emily Nelson, William Nelson, Sam Johnson, Albert T. Nelson, Ella Vann, George Leland, Sam

Chautau, Alice Jernst, Mahaley Hart, Fred J. Thomas, Bertie West,
 Ellis Warren, Willie Robinson, Mary Webber, Frances Martin, Mary
 Riley, Emanuel Taylor, Henry Sykes, Lucian P. Powell, Margaret Dean,
 Malinda Vann, Frances Johnson, Annie Parker, Mary H. Rogers,
 George Washington Ross, Jane Brown, Samuel L. Young, John Backner,
 Willis Cox, Leonard Seales, Malinda Merrill, Charles Claggett,
 Samuel Irwin, Mary Ross, Maggie Hays, Emma Hays, Ella Ross,
 Elizabeth Jenson, Sallie Adams, Georgetown Archer, John Claggett,
 Hattie Smith, Jack Jackson, Lula Sanders, George Hambrick, Linnie
 West, Maria French, Mary Johnson, Maggie Vann, William Nelson,
 Sarah Rogers, Graham Ballard, Emma Davis, John Jackson, Emma
 B. Ferry, Isaac Welch, Lawson Logan, George Howell, Henry Blair,
 George Adams, Annie Thomas, Lewis McDowell, Ollie Vann, Lou
 Peters, Ida Blair, Robert Brown, Allie Chambers, John Jones,
 Alamo Guster, Maggie Blair, Carrie Martin, Margaret Clark, Emily
 LeMay, John Graves, Matilda Blair, Hattie Vann, Helen Lett,
 Fannie Rogers, William Washington, Mary Warren Green, Fannie
 Gentry, Susan Daniels, Margaret Tuck, David Ross, Della Williams,
 Henderson Green, Ella Vann, Levi Howard, John Sawyer, Emma
 Johnson, Eliza Steward and Lela Nelson, as Cherokee citizens
 by intermarriage.

The decision, together with the record of proceedings
 had in the case, has this day been transmitted to the Secretary
 of the Interior for his review and action. The action of the

RECEIVED THE OFFICE OF THE SECRETARY OF THE ARMY
WASHINGTON, D. C.

RECEIVED

SIGNED: *James Birby*
Colonel,

RECEIVED

COPY.

Cherokee Probation
244 of 24.

Parkessee, Indian Territory, January 24, 1906.

The Honorable

The Secretary of the Interior.

Sir:

There is herewith transmitted record of proceedings had in the matter of the applications for the enrollment of, William Smith, Henry Thomas, Ella Vann, Mary Mathews, Frances Wilson, John Jones, Mary Jane Vann, Thomas Lewis, Ella Rayfield, Willie Miller, Susan Campbell, Van Jackson Luther, Cassie McIlatch, Lary Harris, Willie Fields, John Kinke, William S. Hadden, Jane Bean, Albert F. Thomas, Mary Campbell, Caroline Daniels, Katrina Albury, Sam Harris, Alexander Gagnett, Amanda Martin, Ella Martin, John E. Barnes, Bell Davis, Samuel Brown, Fannie F. Wilson, John McIlatch, Susan Harber, George Reed, Sr., Hank Jones, Bell Thompson, Lucia Scott, Joe Scott, Esther Hampton, Thomas H. Allen, Lewis Patterson, John L. Bowles, Katie Davis, Charles Williams, John J. Ross, Jane Martin, Lora Patterson, Alon Johnson, Martha Ross, John Scott, Henry Ross, Charles E. Smith, Katie Giffert, William Brown, Susan Johnson, Alfred P. Hopkins, Ella Vann, Freddie Lerner, Mary Giffert, Alice Jones, Daniel Watt, Fred J. Thomas, Katie Reed, Ella Thomas, Willie Robinson, Mary Moore,

Frances Martin, Mary Miller, Samuel Taylor, Harry Cohen, Leslie D.
 Powell, Stephen Dean, Marinda Yarn, Frances Johnson, Annie Foster,
 Mary E. Rogers, George Washington Lane, Jane Brown, Samuel L. Wilson,
 John Bookner, Willis Cox, Leonard Davies, Malissa Farrell, Charles
 Blaggett, Samuel Green, Mary Ross, Maggie Ford, Emma Ford, Ella
 Host, Elizabeth Duran, Sadie Myers, Georgeanna Taylor, John Williams,
 Mattie Smith, Frank Jackson, Lela Sanders, George Hanning, Elmer
 West, Maria French, Mary Simpson, Margie Yarn, William Adams, George
 Rogers, Abraham Ballou, Laura David, John Jackson, Frank E. Perry,
 Isaac Welch, Nathan Bagon, George Howell, Harry Knott, Sadie
 Adams, Annie Thomas, Della McConnell, Nellie Yarn, Ida Fellers,
 Ida Blair, Robert Brown, Alice Chambers, Lena Jones, Alice Gagner,
 Katie Adams, Capita Martin, Benjamin Clark, Emily Letner, John
 Green, Mattie McFarley, Della Yarn, Nelson Roth, Francis Rogers,
 William Washington, Squire Warren Green, Fannie Collins, Sam
 Daniels, Anderson Dyer, Lavinia Lane, Della McFarley, Benjamin
 Jones, Nellie Yarn, Levi Stroud, John Supter, Katie Huggins,
 Ellen Shappard and John Holman, as Chockes attested by later
 marriage, including the Commission's decision dated January 19,
 1905, rejecting said applications.

Respectfully,

Jame Dixby

Incl. N.S.

Through the

Commissioner of Indian Affairs

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,

WASHINGTON, March 20, 1908.

Refer in reply
to the following:

Land,
1908-1909.

The Honorable,

The Secretary of the Interior.

Sir:

I enclose a report from the Commission to the Five Civilized Tribes, dated January 24, 1908, transmitting the record of the application for enrollment as Cherokee citizens by intermarriage to Cherokee freedmen by William Davis, Henry Thomas, Ella Vann, Mary Markham, Francis Melton, John Deaton, Mary Jane Vann, Thomas Lowe, Ella Mayfield, Sallie Rider, Nathan Campbell, Van Jackson Luther, Cassie Middleton, Mary Harlin, Nellie Fields, John Kinko, William S. Hadden, Jane Dean, Albert T. Thomas, Mary Campbell, Caroline Daniels, Melvin Alberry, Kate Harris, Alexander Claggett, Annie Martin, Eliza Martin, John E. Barnes, Bell Davis, Samuel Brown, Edward F. Watson, Jack McConnell, Emma Manley, George Reed, Sr., Jack Latham, Bell Thompson, Lewis Scott, Joe Scott, Kender Langston, Thomas H. Allen, Lewis Vanderford, John L. Nowlin, Edith Davis, Charles Williams, John J. Ross, Jane Martin, Lena Peterson, Alex Johnson, Martha Vann, John Scott, Fanny Ross, Charles C. Smith, Kate Gilbert, William Sturge, Paul Johnson,

Alfred P. Hopkins, Kinzie Vann, Freddie Leoney, Lucy Chouteau, Alice Durant, Mahaley Ward, Fred B. Thomas, Bettie Beck, Ellis Warren, Millie Robinson, Mary Weber, Frances Martin, Mary Riley, Emanuel Taylor, Henry Sykes, Larkin P. Powell, Stephen Dams, Malinda Vann, Frances Johnson, Annie Foster, Mary H. Rogers, George Washington Lane, Jane Brown, Samuel L. Young, John Buckner, Willis Cox, Leonard Bowles, Malinda Marrell, Charles Gloggett, Samuel Irvan, Mary Ross, Maggie Vann, Ella Ross, Elizabeth Dumas, Sadie Adams, Georgeann Archer, John Gloggett, Hattie Smith, Jack Jackson, Lula Sanders, George Hazelrig, Linnie West, Marie French, Mary Johnson, Maggie Vann, William Hudson, Sarah Rogers, Abraham Ballard, Laura David, John Deckman, James B. Perry, Isaac Welch, Lawson Logan, George Howell, Henry Masir, George Adams, Annie Thomas, Lewis McConnell, Callie Vann, Len Peters, Ida Adair, Robert Brown, Allie Chambers, Isaac Jones, Alice Spater, Katie Adair, Carrie Martin, Benjamin Clark, Emily Leoney, John Groves, Matilda McHair, Bettie Vann, Nelson Latt, Fannie Rogers, William Washington, Squire Warren Swann, Fannie Galsky, Susan Daniels, Anderson Turk, David Lane, Felix McGinnis, Henderson Jones, Belle Vann, Levi Stroud, John Sumpter, Mariah Thompson, Ellen Sheppard, and Lula Walton.

January 18, 1906, the Commission decided adversely to all the applicants.

The record shows that none of the applicants makes claim to enrollment as citizens of the Cherokee Nation, except by intermarriage with a Cherokee Freedman; that none has ever been

enrolled or admitted to citizenship by any tribal authority of the Cherokee Nation or by any United States tribunal and that none is identified on the 1896 authenticated Cherokee roll.

In view of the record and of the ruling of the Department of November 18, 1904, (I. T. D. 5842-1904) in the Lemuel Walcome case, the approval of the Commission's decision adverse to all the applicants is recommended.

Very respectfully,

G. F. Larrabee,

Acting Commissioner.

M.M.M.
W.

(C O P Y)

D. C. 20877-1908
I. T. D. 2004-1908

W C F
P H E

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

L R E

April 17, 1908

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

January 24, 1906, you transmitted the record in the matter of the applications for the enrollment of the following persons as citizens by intermarriage of the Cherokee Nation, including your decision of January 19, 1906, rejecting said applications, viz:

William Davis, Henry Thomas, Ella Vann, Mary Markham, Frances Melton, John Detsen, Mary Jane Vann, Thomas Lowe, Ella Mayfield, Nellie Rider, Reuben Campbell, Van Jackson Luther, Cassie Middleton, Mary Harlin, Nellie Fields, John Kimb, William S. Madden, Jane Beeson Albert T. Thomas, Mary Campbell, Caroline Daniels, Melvina Alberty, Dave Morris, Alexander Claggett, Amanda Martin, Eliza Martin, John H. Barnes, Bell Davis, Samuel Brown, Howard F. Watson, Jack Mc Cannell Maude Manley, George Reed, Sr., Buck Ledum, Nell Thompson, Lewis Scott, Abe Scott, Kender Lampton, Thomas E. Allen, Lewis Vanderford, John L. Bowlin, Katie Davis, Charles Williams, John J. Rose, Jane Martin, Lena Petersen, Alex Johnson, Martha Vann,

John Scott, Nancy Ross, Charles O. Smith, Susie Webster,
 William Skaggs, Susie Johnson, Alfred P. Hopkins, Klissie Vann,
 Freddie Leoney, Lucy Chouteau, Alice Durant, Mahaley Ward,
 Fred D. Thomas, Bettie Beck, Ellis Warren, Millie Robinson,
 Mary Webber, Frances Martin, Mary Riley, Emanuel Taylor, Henry
 Sykes, Larkin P. Powell, Stepney Dawn, Malinda Vann, Frances
 Johnson, Annie Foster, Mary H. Rogers, George Washington Lane,
 Jane Brown, Samuel L. Young, John Buckner, Willis Cox, Leonard
 Devise, Malinda Murrell, Charola Claggett, Samuel Irven, Mary
 Ross, Maggie Hays, Neoma Hays, Ella Ross, Elizabeth Duncan,
 Sadie Adams, Georgeann Archer, John Claggett, Hattie Smith,
 Jack Jackson, Lula Sanders, George Hazelrig, Lizzie West,
 Maria French, Mary Johnson, Maggie Vann, William Hudson,
 Sarah Rogers, Abraham Ballard, Laura Davis, John Deekman,
 James B. Ferry, Isaac Welch, Lawson Logan, George Howell,,
 Henry Masir, George Adams, Annie Thomas, Lewis McConnell,
 Callie Vann, Lou Peters, Ida Adair, Robert Brown, Alice Chambers
 Isom Jones, Alice Hunter, Katie Adair, Carrie Martin, Benjamin
 Clark, Emily Leoney, John Groves, Matilda McFair, Bettie Vann,
 Nelson Lett, Fannie Rogers, William Washington, Aquire Warren
 Owens, Fannie Goldsby Susan Daniels, Anderson Turk, David Lane,
 Felix McClain, Henderson Jones, Belle Vann, Levi Strand, John
 Sumpter, Mariah Thompson, Ellen Sheppard and Lula Melton.

Reporting in the matter March 21, 1905, the Indian
Office recommends that your decision be approved. A copy of
its letter is inclosed.

The Department concurs in said recommendation, and
your decision is hereby affirmed.

Respectfully,

(Signed) THOS KEAN
Acting Secretary.

1 inclosure

CHIEF OF BUREAU:
TAMM BERRY,
THOMAS A. HERRING,
C. R. HERRING.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

W. A. HARRIS,

CHIEF OF BUREAU TO THE FIVE TRIBES
Cherokee Freedmen
D-490.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, April 28, 1905.

Lena Peterson,

Nowata, Indian Territory.

Dear Madam:

You are hereby advised that the Commission's decision dated January 19, 1905, rejecting your application for enrollment as a Cherokee citizen by intermarriage, was affirmed by the Secretary of the Interior on April 17, 1905.

Respectfully,


Chairman.

COPY.

Shoshone Freedmen

Ball, et al.

Hustings, Indian Territory, April 21, 1908

Ball, Hastings & Newport,

Attorneys for the Shoshone Nation,

Hustings, Indian Territory.

Gentlemen:

You are hereby advised that the Commissioner's decision dated January 19, 1908, rejecting the applications for the enrollment of William Davis, et al., as Shoshone citizens by intermarriage, was affirmed by the Secretary of the Interior on April 17, 1908.

Respectfully,

SIGNED. *Tams Bixby*
Chairman

COPY.

Charles Freeman

B-14, et al.

Waskage, Indian Territory, April 23, 1908.

Commissioner in Charge,

Cherokee Land Office,

Waskage, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated January 19, 1908, rejecting the applications for the enrollment of William Davis, et al., as Cherokee citizens by intermarriage, was affirmed by the Secretary of the Interior on April 17, 1908.

Respectfully,

SIGNED. *Tamie Bixby*

Cherokee

Department of the Interior. Commission to the Five Civilized Tribes.

In the matter of the application for enrollment of William Davis, et al., as citizens by inter-marriage of the Cherokee Nation, consolidating the applications of:

William Davis,	Cherokee Freedman D-134,
Henry Thomas,	Cherokee Freedman D-135,
Ella Vann,	Cherokee Freedman D-136,
Mary Markham,	Cherokee Freedman D-137,
Frances Melton,	Cherokee Freedman D-138,
John Dotson,	Cherokee Freedman D-139,
Mary Jane Vann,	Cherokee Freedman D-140,
Thomas Lowe,	Cherokee Freedman D-141,
Ella Mayfield,	Cherokee Freedman D-142,
Sallie Rider,	Cherokee Freedman D-143,
Reuben Campbell,	Cherokee Freedman D-144,
Van Jackson Luther,	Cherokee Freedman D-145,
Cassie Middleton,	Cherokee Freedman D-146,
Mary Harlin,	Cherokee Freedman D-147,
Nellie Fields,	Cherokee Freedman D-148,
John Kimbo,	Cherokee Freedman D-149,
William S. Madden,	Cherokee Freedman D-150,
Jane Bean,	Cherokee Freedman D-151,
Albert T. Thomas,	Cherokee Freedman D-152,
Mary Campbell,	Cherokee Freedman D-153,
Caroline Daniels,	Cherokee Freedman D-154,
Melyina Alberty,	Cherokee Freedman D-155,
Dave Morris,	Cherokee Freedman D-156,
Alexander Claggett,	Cherokee Freedman D-157,
Amanda Martin,	Cherokee Freedman D-158,
Eliza Martin,	Cherokee Freedman D-159,
John E. Barnes,	Cherokee Freedman D-160,
Bell Davis,	Cherokee Freedman D-161,
Samuel Brown,	Cherokee Freedman D-162,
Howard F. Watson,	Cherokee Freedman D-163,
Jack McConnell,	Cherokee Freedman D-164,
Maude Manley,	Cherokee Freedman D-165,

George Reed, Sr.,
Buck Ladner,
Belt Thompson,
Lewis Scott,
Abm Scott,
Rader Lampton,
Thomas E. Allen,
Lewis Vanderford,
John L. Bowlin,
Katie Davis,
Charles Williams,
John J. Ross,
Jane Martin,
Jane Petercox,
Abm Johnson,
Martha Vannoy,
John Scott,
Nancy Ross,
Charles C. Smith,
Suzie Colbert,
William Chaggy,
Suzie Johnson,
Alfred P. Hopkins,
Katie Vannoy,
Freddie Louney,
Lucy Chastain,
Alice Darum,
Mahaley Ward,
Fred D. Thomas,
Bettie Bush,
Ellis Warren,
Mills Robinson,
Mary Webber,
Frances Martin,
Mary Elley,
Ransom Taylor,
Honey Sykes,
Larkin P. Powell,
Emmy Duggins,
Mollie Vannoy,
Frances Johnson,
Annie Foster,
Mary H. Rogers,
George Washington Lester,
Jane Brown,
Cherokee Freedmen D-352,
Cherokee Freedmen D-406,
Cherokee Freedmen D-411,
Cherokee Freedmen D-420,
Cherokee Freedmen D-421,
Cherokee Freedmen D-422,
Cherokee Freedmen D-424,
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Cherokee Freedmen D-722,
Cherokee Freedmen D-726,
Cherokee Freedmen D-728,
Cherokee Freedmen D-741,
Cherokee Freedmen D-742,
Cherokee Freedmen D-742,
Cherokee Freedmen D-752,
Cherokee Freedmen D-755,
Cherokee Freedmen D-760.

Central L. Young,
 John Buchanan,
 Willie Goss,
 Leonard Bingham,
 Mattie Marshall,
 Charles Clingman,
 Samuel Brown,
 Mary Brown,
 Maggie Reed,
 Emma Reed,
 Ella Roberts,
 Elizabeth Rogers,
 Edie Adams,
 Georgiana Archer,
 John Clingman,
 Hattie Smith,
 Jack Jackson,
 Leta Sanders,
 George Hamilton,
 Lottie West,
 Marie French,
 Mary Johnson,
 Maggie Yarr,
 William Hudson,
 Sarah Rogers,
 Abraham Ballard,
 Laura David,
 John Beckman,
 James B. Perry,
 Isaac Welch,
 Lillian Logan,
 George Horrell,
 Henry Mason,
 George Adams,
 Annie Thomas,
 Louis McConnell,
 Collie Vann,
 Lon Paton,
 Ida Adair,
 Robert Brown,
 Alice Chambers,
 Jess Jones,
 Alice Gaudin,
 Katie Adair,
 Carrie Martin.

(Cherokee Family Book B-408)
Cherokee Freedman B-409
Cherokee Freedman B-410
Cherokee Family Book B-411
Cherokee Family Book B-412
Cherokee Freedman B-413
Cherokee Freedman B-414
Cherokee Freedman B-415
Cherokee Freedman B-416
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Cherokee Freedman B-423
Cherokee Freedman B-424
Cherokee Freedman B-425
Cherokee Freedman B-426
Cherokee Freedman B-427
Cherokee Freedman B-428

I have David
 Abraham Bailey
 Sarah Hunter
 William H. Cook
 Maggie V. Cook
 Mary Johnson

for himself; by Elizabeth Bowlin for her husband John L. Bowlin; by John D. Davis for his wife, Katie Davis; by Charles Williams for himself; by John J. Ross for himself; by David Martin for his wife, Jane Martin; by Fred Peterson for his wife, Lola Peterson; by Emma Johnson for her husband, Elmer Johnson; by Joseph Shaw for his wife, Martha Shaw; by John Smith for himself; by Henry Jones for Nancy Ross; by Charles C. Smith for himself; by James Colbert for his wife, Susie Colbert; by Rosanna Shaggs for her husband, William Shaggs; by Gus Johnson for herself; by Alfred P. Hopkins for himself; by Charles Vann for his wife, Klara Vann; by Jack Looney for his wife, Freddie Looney; by Andy Thompson for himself; by Allen Dunn for himself; by Alonzo Ward for his wife, Mahaley Ward; by Fred D. Thomas for himself; by Benjamin Book for his wife, Bettie Book; by Ellis Warren for himself; by William Henry Robinson for his wife, Millie Robinson; by John Weber for his wife, Mary Weber; by Octavus Harris for his wife, Frances Swartz; by Ed Miller for his wife, Mary Miller; by Samuel Taylor for himself; by George Foster for himself; by Larkin P. Powell for himself; by Stepany Dawn for himself; by Ella Vann for his wife, Malinda Vann; by David Johnson for his wife, Frances Johnson; by Phillip Foster for his wife, Annie Foster; by Houston Rogers for his wife, Mary H. Rogers; by George Washington Lane for himself; by Ellen Hammer for her wife, Jess Brown; by Samuel L. Young for himself; by Linzie Buckner for her husband, John Buckner; by Sarah Cox for her husband, Willie Cox; by Susan Bowles for her husband, Leonard Bowles; by Henry Murrell for his wife, Malinda Murrell; by Charles Claggett for himself; by Samuel Evans for himself; by David Reed for his wife, Mary Reed; by George A. Nare for his wife, Maggie Nare; by Maria Armstrong for his wife, Neoma Nare; by Perry Rose for his wife, Ella Rose; by Elizabeth Duncan for herself; by Perry Adams for his wife, Sadie Adams; by Thomas Archer for his wife, Georgeann Archer; by Nancy Claggett for her husband, Sam Claggett; by Conny Sams for his wife, Mattie Sams; by Jack Johnson for himself; by John Sanders for his wife, Lula Sanders; by Mary Hamilton for her husband, George Hamilton; by George West for his wife, Linzie West; by Marie French for herself; by Mary Johnson for herself; by Maggie Vann for herself; by William Hudson for himself; by Sarah Rogers for herself; by Abraham Boudin for himself; by King Davis for his wife, Laura Davis; by John Decker for himself; by John S. Pugh for himself; by Kate Walsh for herself; by Nancy Leggett for her husband, Leamon Leggett; by Maria Howell for her husband, George Howell; by Amanda Mann for her husband, Henry Mann; by Katie Adams for her husband, George Adams; by Willie Thomas for his wife, Anna Thomas; by Lewis McCosken for himself; by John Vann for his wife, Orlene Vann; by Louis Rother for himself; by Robert Adair for his wife, Alice Adair; by John Brown for his husband, Robert Brown; by Mat Chambers for his wife, Alice Chambers; by Rachel Jones for her husband, Iron Jones; by Lewis Gunter for his wife, Alice Gunter; by Amos Adair for his wife, Katie Adair; by William H. Martin for his wife, Carrie Martin; by Benjamin Clark for himself; by Emily Looney for herself; by Andy George for his husband, John George; by Ellen McNeil for his wife, Malinda McNeil; by Betty Vann for herself; by Nelson Lett for himself; by Allen Rogers for his wife, Fannie Rogers; by William Washington for himself; by Squire Warren Owens for himself; by Fannie Goldaby for herself; by Charles Daniels for his wife, Betsey Daniels; by Nathan Turk for his husband, Anderson Turk; by David Land for himself; by Walter McClain for himself; by W. Gordon Smith for himself; by Isaac Price for his wife, Belle Vann; by Maggie Stroud for her husband, Levi Stroud; by John Smelter for himself; by Mariah Thompson for herself; by Ellen Sheppard for herself; and by Lula Melton for herself, claiming their right thereto by virtue of their marriage to Frederick Cherokee citizens.

The record further shows that none of the applicants herein make any claim to citizenship as citizens of the Cherokee Nation other than as set forth above.

It further appears from the record herein that at the time applications were made for the enrollment of the above named applicants, application was also made for the enrollment of other applicants as Cherokee Freedmen, but said applications being differently classified are not included in this decision.

It does not appear that any of the applicants herein are identified upon the 1880 Authenticated Cherokee Roll, nor does it appear that any of said applicants has ever been admitted to Cherokee citizenship by a duly constituted court or committee of the Cherokee Nation, or by the Commission to the Five Civilized Tribes, or by a doctor of the United States Court in Indian Territory, under the provisions of the Act of Congress approved June 10, 1896, (29 Stat., 531).

It is, therefore, the opinion of this Commission that, following the ruling of the Department in the case of *Leahuel Welcome*, (I. T. D. 5543-1904, 11,776-1905), the applications made for the enrollment of William Davis, Henry Thomas, Ella Vann, Mary Markham, Frances Melton, John Dotson, Mary Jane Vann, Thomas Lewis, Ella Mayfield, Belle Rider, Rachel Campbell, Van Jackson, Luther, Cassie Hittner, Mary Hatcher, Nellie Fitch, John Kinney, William B. Madden, John Bond, Albert T. Thomas, Mary Campbell, Caroline Daniels, Melvina Albert, Dave Morris, Alexander Cleggett, Amanda Martin, Eliza Martin, John H. Barnes, Bell Davis, Samuel Brown, Howard E. Wambler, Jack McConnell, Maude Minley, George Reed, Dr. Edie Linder, Bell Thompson, Lettie Scott, Abe Scott, Kender Lampton, Thomas E. Allen, Lewis Vanderford, John L. Bowlin, Kate Davis, Charles Williams, John I. Rose, Jane Martin, Lena Peterson, Alan Johnson, Martha Vann, John Scott, Nancy Rose, Charles G. Smith, Sam Gilbert, William Shaggy, Belle Johnson, Alfred P. Hopkins, Eliza Vann, Freddie Looney, Lucy Chontang, Alice Durant, Mahaley Wain, Fred D. Thomas, Bettie Bell, Ella Warren, Millie Robinson, Mary Webber, Frances Martin, Mary Riley, Emanuel Taylor, Henry Sykes, Bertha F. Rowell, Stephen Davis, Matilda Vann, Frances Johnson, Annie Foster, Mary E. Rogers, George Washington Lane, Jane Brown, Samuel L. Young, John Bookner, Willie Carr, Leonard Boyles, Melvina Marshall, Charles Cleggett, Samuel Ives, Mary Rose, Maggie Nave, Neoma Nave, Ella Rose, Elizabeth Dutton, Sadie Adams, Georgeanna Archer, John Cleggett, Elsie Smith, Jack Jackson, Lela Sanders, George Hasting, Lina West, Maria French, Mary Johnson, Maggie Vann, William Hudson, Sarah Rogers, Abraham Ballard, Laura Davis, John Deekman, James B. Perry, Jane Welch, Lawrence Logan, George Howell, Henry Mack, George Adams, Annie Thomas, Lewis McConnell, Cassie Vann, Lee Foster, Ida Allen, Robert Dixon, Ann Chambers, Leola Jones, Alice Gaster, Katie Adair, Carrie Martin, Benjamin Clark, Emily Looney, John Groves, Matilda McNair, Bettie Vann, Nelson Lett, Fannie Rogers, William Washington,

Walter Warren Owens, Fannie Goldsby, Susan Daniels, Anderson Turk, David Lane, Felix McCain, Henderson Jones, Belle Vann, Levi Stroud, John Sumpter, Mariah Thompson, Ellen Sheppard and Lena Melton, as Cherokee citizens by intermarriage, should be denied, under the provisions of section twenty-one of the Act of Congress approved June 25, 1896, (30 Stat., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

[SIGNED] TAMS BIXBY, Chairman.
[SIGNED] T. E. NEEDLES, Commissioner.
[SIGNED] C. R. BRACKINRIDGE, Commissioner.

MUSKOGEE, INDIAN TERRITORY, JANUARY 19, 1906.

Department of the Interior.
Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

RETURNED TO WRITER.

unknown

REGISTERED NUMBER 79

Lena Peterson,

~~Muskogee~~, Indian Territory.

REGISTERED
JAN 31 1905
MUSKOGEE, IND. TER.

MAR 9 1905



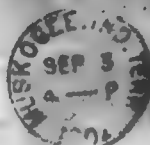
Department of the Interior.
Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

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Cherokee Freed.

Fred Peterson,

~~Muskogee~~, Indian Territory.



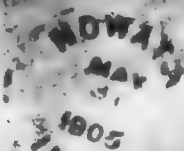
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Lena Peterson,

~~Muskogee~~, Indian Territory.



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Department of the Interior,
Commission to the Five Civilized Tribes.
Cherokee, I. T., June 2, 1901.

Supplemental testimony in the matter of the application of
Maria Johnson et al.

Ben Grinnett, being sworn and examined by Commissioner T.B. Needles, testified as follows:

Q What is your name? A Ben Grinnett.

Q What is your age? A About 45.

Q What is your postoffice? A Nowata.

Q Do you know Maria Johnson, the applicant here? A Yes sir.

Q How long have you known her? A I have known her about eight years, I guess.

Q Where has she been living the last eight years? A Why I couldn't say, but she is living here at Lenapek now.

Q Has she been living in the Cherokee Nation in the last eight years to your knowledge? A Yes sir, I think.

Q Continuously? A Yes sir.

Q Did you know her father? A Yes sir.

Q What was his name? A Spence Martin.

Q She says her father's name was Spence Bell? A Spence Bell that is what I had reference to.

Q Did you know her mother? A No, I didn't know her mother good.

Q Was Spence Bell a slave? A Yes sir.

Q Who did he belong to? A He belonged to Bell.

Q When did you first know him? A Well, I knowed him when we come from Kansas; we come together.

Q What year? A I couldn't tell you that. He come when I come.

Q You don't know what year you come? A No sir.

Q Was he married at that time, Spence Bell? A Yes sir, that is what he told me.

Q Did he have his wife with him? A No, he come to get a location and when we come here come there to Blue Alberty's; there to his mistress, and he told me he was going to get a location while he is here.

Q Did you know him after that? A Yes sir.

Q Did you know him until his death? A Yes sir.

Q Where did he live all the time when he come with you until the time he died? A I wasn't living right there with him, but he was there all the time after he come; I never heard of his going back.

Q Where did he die? A Why, I couldn't tell you that.

Q You don't know whether he died in Kansas or the Cherokee Nation?

A No sir, I couldn't tell you that.

Q You don't know how long he lived in the Cherokee Nation before he went back to Kansas? A No sir, but I think he made a crop before he went back.

Q Do you know where Maria was born, this applicant? A No sir.

Q V. V. Hastings: When he first come down here how long did he stay?

A Why I couldn't tell you; he was hired.

Q Who to? A I couldn't tell you for certain, but Blue Alberty hired him.

Q Was that in the year '88? A It must be, he and him had just come.

Q But you don't know the year? A No sir, I can't count the dates or months.

Commissioner: Is your name on the roll of 1880? A Yes sir.

Q V. V. Hastings: Where did he come from, Ben? A We started from Fort Scott together; I don't know where he came from; he was with Ben Sanders; he drove one of Ben Sanders' teams.

Q You saw his wife up there? A Yes sir.

Q She was living there at Fort Scott? A No, I don't know where he come; he come with Ben Sanders.

Q You didn't see his wife then? A No sir, I didn't see his wife.

Q How long did Spence Bell work down here after he first come to the Cherokee Nation? A I sent him off and on; he was working there; I think he was at Blue Alberty's, or at one of the places I couldn't tell. He told me he was at work; he come to my house and I never asked him where.

2- M. J.

Q To about what period - about how long, did he stay there two or three years? A No, I couldn't tell you that, but he was there and pretty soon I moved off. I don't know what time he went; he was living with Blue Albany.

Q Blue Albany lived down near Chouteau, didn't he? A I couldn't tell you; he was living about Grand River; I lived three miles from Blue Albany.

Q Where were you living? A About three miles from there.

Q Well, what town? A There wasn't no town there.

Q Well, what town is near there now? A Near - it must be Brusky, I guess. There was no town there when I was living there.

Q There wasn't? A No sir.

Q Where did you next see this man after he left that neighborhood? A Why I used to see him about Grand River.

Q Well, along since the war? A No, you know he died; I don't know when he died, but I used to see him there when I moved from there.

Q When did you first see his wife and family in the Cherokee Nation? A I couldn't tell you that; I moved when he got his family.

Q You didn't know them until about eight years ago? A No, it was worse than that.

Q You testified that a while ago, didn't you? A Well, her mother - he didn't have his wife with him when he came with me.

Q When did you know his wife first? A I knowed her before the war.

Q Where did you know her? A Well I used to know them.

Q Was Spence Bell married before the war? A I couldn't tell you that.

Q Was he living with her as his wife before the war? A Yessir.

Q Where at? A I couldn't tell you that for certain; we never noticed about where it was; we seen one another; I couldn't tell you, but I think they lived on Grand River; that is all I know.

Q You have gotten acquainted with this woman since? A Yes sir.

Q What is this woman's mother's name now? A It has been so long I can't remember, but I know the people; I can't call their names.

Q But you are certain you knew her before the war? A Yes sir.

Q And you knew her on Grand River? A Yes sir.

Q And you knew Spence Bell was living with her as husband and wife? A Yes sir, that is what they told me.

Q You were tried in Tahlequah District once, weren't you? A Yes sir.

Q For stealing? A Yes sir.

Q And convicted? A No sir.

Q Were you whipped or not? A No sir.

Q Was you whipped? A I never was in any difficulty about that time.

Q I am talking to you now, weren't you tried now down in Tahlequah District, yourself? A Yes.

Q And whipped for stealing? A I was accused of it.

Q Weren't you whipped - you know whether you were whipped or not - answer my question? A (Refuses to answer question.) No I won't answer the question.

Additional Judgment.

Com'r Needles:- It will be necessary for applicant to file satisfactory proof of birth of said children.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a full, true and correct transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 11th day of June, 1881.

[Signature]
Commissioner.

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Department of the Interior.
Commission to the Five Civilized Tribes.
Chelsea, I.T., June 3, 1904.

In the matter of the application of Mariah Johnson for the enrollment of herself and six children as Cherokee Freedmen, and for her husband as a Cherokee Freedman by intermarriage; being sworn and examined by Commissioner Needles, she testified as follows:

- Q What is your name? A Mariah Johnson.
Q How old are you? A 31.
Q What is your post-office address? A Lenapah.
Q What district do you live in? A Cooweescoowee.
Q You apply to be enrolled as a Cherokee Freedman? Descendant of Freedman.
Q Who do you want to enroll besides yourself? A My six children, I have a brother.
Q What about your brother? A Well, I have been looking after his business.
Q He is a man grown, is he? A Yes sir.
Q Com'r: He must attend to himself.
Q Give me the names of your children? A Herman Johnson.
Q How old is Herman? A He is nine.
Q Next child? A George.
Q How old is George? A He is eight.
Q ~~Next child~~ ~~Gracie~~
Q Next one? A Gracie.
Q How old is Gracie? A She is seven.
Q Next one? A Alex Jr.
Q What, how old is Alex? A He is 6. Johanna.
Q How old is Johanna? A She is four.
Q Next one? ~~Luther~~? A Luther.
Q That the youngest? A Yes sir.
Q How old is Luther? A Two years old.
Q Are you married? A Yes sir.
Q What is your husband's name? A Alex Johnson.
Q Is he a citizen? A He is a state man, adopted.
Q You don't apply for him? A He is adopted, man; I couldn't I guess.
Q Well, do you apply for him or not? A Yes sir, I do.
Q What is your father's name? A Spencer Bell.
Q Is he living? A No sir.
Q Your mother's name? A Elizabeth Biggerstaff.
Q What was your name before you married? A Bell.
Q Then your mother's name was Bell, wasn't it? A Yes sir.
Q Her maiden name was Biggerstaff? A Yes sir.
Q Your father a citizen? A Yes sir.
Q Your mother a non-citizen? A Yes sir.
Q Your father is living? A No sir.
Q Is your name on the roll of 1880? A No sir.
Q Did you draw Strip money? A No sir.
Q Is your name on any of the rolls of the Cherokee Nation? A My name is on the 1880 roll and it might be on the 1896 roll.
Q Your name is on the 1880 roll, is it? A It is on the Wallace roll.

Wallace roll of citizens of the Cherokee Nation examined and applicant identified as follows:
page 105 #2248 Maria Bell, Cooweescoowee district.

1880 Authenticated roll of citizens of the Cherokee Nation examined and applicant identified thereon not at all.

1896 census roll of citizens of the Cherokee Nation examined and applicant not identified thereon.

Q You didn't draw strip money? A No sir.
 Q Were you a slave during the war? A No sir.
 Q Before the war? A No sir.
 Q Was your mother? A No sir.
 Q Was your father? A Yes sir.
 Q Is your father's name on the roll of 1880? A Yes sir.
 Q Where were you born? A In the Cherokee Nation.
 Q Did your father go out of the Nation during the war? A He did.
 Q Where did he go to? A Lawrence, Kansas.
 Q Who did he belong to? A Martin Bell.
 Q He a Cherokee citizen? A Yes sir.
 Q When did your father return to the Cherokee Nation? A He returned in the spring of '66.
 Q How do you know? A There's one man that come with him, and there's two that seen him, more than that.
 Q But you were born in the Cherokee Nation? A Yes sir.
 Q Have you got your witnesses here? A Allen Lynch, is here, and Crap Lynch.

ANDERSON LYNCH, being sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A Anderson Lynch.
 Q How old are you? A 34.
 Q What is your post-office address? A Vinita.
 Q You know Mariah Johnson, the applicant? A Yes sir, slightly.
 Q Did you know her father? A I know what she claimed as her father.
 Q Who was that? A Spencer Bell.
 Q Was he a slave during and before the war? A Yes sir.
 Q Who did he belong to? A Martin Bell.
 Q Was he taken out of the Cherokee Nation during the war? A Not as I know of; when the war was going on he was this side of Ft. Smith, with Martin Bell, living there.
 Q Where was he in 1866? A He came to my house along in '66 and stayed there around, and he was among the neighbors there a good while.
 Q In '66? A Yes sir, and Lewis Kell come, Lewis used to own him, and he went to work for Lewis Kell.
 Q Was he married then? A Yes sir, he claimed to be married then.
 Q Did you know the woman that he claimed to be married to?
 A No sir, I didn't know her then.
 Q How long have you known the applicant, Mariah Johnson? A I never knowed her until she come time they was taking the census over here, and she claimed to be his daughter.

Examined by Cherokee representative, W. W. Hastings:

Q When was that? Five years ago? A Yes sir.
 Q You never saw her then until five years ago? A No sir.
 Q You don't know then that Spencer Bell was this girl's father?
 A No more than just what I heard them say.
 Q Spencer Bell didn't have any family when you knew him in '66?
 A No sir, he didn't have no family then.
 Q Where had he come from when you first knew him in '66? A He come from Ottawa, some where up in there.
 Q How do you know it was '66? A I just know when they was all coming back, making back for their homes in '66.
 Q They was coming back several years afterwards, wasn't they?
 A I expect they may have been; I see a good many coming from the south a good while afterwards.
 Q Who did he make his home with when he first come down there?
 A He stopped at Lewis Kell, right at the old military crossing.
 Q Right where it crosses Cabin Creek? A Yes sir.
 Q About how long did he stay with Lewis Kell? A I don't know.

- how long; he had got some cattle I think, and left with Lewis Kell until he could move his family down to settle.
- Q Did he ever move his family down there afterwards? A No, he left them down there with him and I heard of him moving them away up here about Timbered Hill.
- Q When did you ever hear of him moving them about Timbered Hill?
- A I don't know just when it was.
- Q A number of years afterwards? A Yes sir, I just heard of them up in there.
- Q Do you know he moved them up there? A No sir.
- Q Was Lewis Rogers living near Kell at that time? A Yes sir, I think so.
- Q Was Hoolley Bell living there then? A I don't know whether Hoolley Bell was across the creek or not; he was somewhere there; Hoolley knows pretty well when he was there working for Lewis.
- Q Hoolley Bell would know about all that? A Yes sir, he knows just exactly when he was there working.
- Q Hoolley Bell was living in the neighborhood at that time? A Yes sir, he was in the neighborhood near when he come there and went to work for Lewis Kell.
- Q That's when you first knew him in the Cherokee Nation after the war? A No, he had been to my house, and went up there from it hunting work.
- Q That was the same time you knew him? A No, it was before that that I knew him.
- Q How long before? A It must have been about a year or more I guess.
- Q Didn't you swear before in 1896 that you first knew this man when he come back to Lewis Kell's? A No sir, he come to my house.
- Q How long did he stay at your house then? A He just come over there a week or two and then he would be working for Lewis and he come back over there after he got work at Lewis Kell's. I don't know where he went after that.
- Q He didn't remain around your house a year before he got work at Lewis Kell's? A No, he would just go backwards and forwards; some times I would see him a week or two maybe, he would come around.
- Q You didn't know where he was living or staying? A No sir.

Applicant, MARIAH JOHNSON, re-called, and further examined;
By Commissioner Needles:

- Q Were these children all born in the Cherokee Nation? A Yes sir, right where I am living now.
- Q How long have you lived in the Cherokee Nation? A About all my life, of course I was educated in the state.
- Q Were you born in the Cherokee Nation yourself? A Yes sir.

Examined by Cherokee representative, W. W. Hastings:

- Q Where? A I don't know where, my mother testified in the Wallace Court I was; I suppose she knows.
- Q When you were first old enough to remember, where were you? A In the Cherokee Nation.
- Q Where? A Over there not very far from the river.
- Q You were married in Kansas, were you? A No, I wasn't. I got a license to Claremore under the tribal law of the Cherokee Nation.
- Q You say all of these children were born here in the Cherokee Nation? A Yes sir.
- Q What places in Kansas have you lived? A I lived there at Coffeyville some, not very much, but I was educated in Lawrence, Kansas that is, I was going to school there.
- Q Your mother lived there then, in Lawrence, Kansas? A Part of the time she was, and part of the time she wasn't.
- Q Your father? A No, my father didn't live there at all.

- Q You were living with your mother when you went to school there in Lawrence, Kansas? A Part of the time I was, and part of the time I wasn't; part of the time she was there.
- Q How long did you stay in Lawrence, Kansas? A Like anybody else I would go to school in the fall and sometimes I would stay until it was out and sometimes I wouldn't.
- Q All told how long did you stay in Lawrence? A I said I would go up there in the fall, the school taken up in September.
- Q Did they run through one year of '47? I want to know about how many years that that run through, one year or two years or three or a dozen that you stayed up about Lawrence, and went to school?
- Q I am telling you now I would go in the spring and come back in the fall.
- Q How many years? A '88 is the last time I went to school, and my mother written me to come home, she was failing, and I didn't go any more.
- Q When did you first go to Lawrence? A I guess I was about eleven years old.
- Q When did your mother first go to Lawrence? A My mother was married in Lawrence, Kansas, and she came down here and she went back up there, I don't know what was the first time she did go up there, but they married there, but she didn't come down here in '66, she didn't come with him.
- Q Were you the oldest child? A No sir.
- Q Who was the oldest child? A My other sister, Matilda.
- Q How much older than you is she? A I don't know, but I know she is older.

By Commissioner Needles:

- Q Have you any certificate of marriage? A No sir.

By W. W. Hastings:

- Q Have you got any brother or sister younger than you? A Yes sir, John.
- Q How much younger than you is he? A I guess he is 25 years old.
- Q Where was John born? A Born here.
- Q Where? A Here in the Cherokee Nation.
- Q Where in the Cherokee Nation? A I don't know exactly where he was born, but I know he was born in the Cherokee Nation, at least she said so.
- Q You are five or six years older than he is, ain't you? A Yes, maybe more than that.
- Q And you don't know where he was born? A I don't.
- Q What is your next youngest brother or sister? A I haven't any more youngest.
- Q When you were first old enough to remember what point in the Cherokee Nation did you live? A Well, I stayed there on the river.
- Q On what river? A On Verdigris.
- Q What town is near there now? A Coffeyville.
- Q About how far from Coffeyville did you live? A Maybe 14 or 15 miles.
- Q Who were your neighbors then? A The Browns were neighbors.
- Q Have you lived in that neighborhood ever since? A No, I haven't, I told you about my going to school.
- Q Well, with that exception? A (No reply).
- Q Who has known you up in that country from your infancy; these people you have got as witnesses live east of Vinita, and you live way up near Coffeyville, 75 or one hundred miles; who up in that section of the country knows you have lived there from your girlhood? A Uncle Ben Grimmett, he has known me.
- Q What is his post-office? A I believe it is Nowata.
- Q About how many miles did he live from you? A He lives 12 miles from where we live.
- Q Has he been your nearest neighbor? A No.

- Q Is he any relation to you? A No. I lived a while with my step-father, old man Looney, I lived some time with him after my father died, of course my mother married old man Looney and I lived some time with him, but you are speaking about '66; in the year 1893 I taken my case to Tahlequah and had papers made out there, and I waited around there and they looked at my papers and sent my papers back, and they told me I couldn't either leave them or send them back, and I sent my papers back to Tahlequah with Eli Vann and they addressed my father up there, and Mr. Hayes, he wasn't chief then but he is chief now, and he said to the National Council that my father was owned by his whole and during '66, part of that time he was on Lynck's Prairie.
- Q You wasn't down there? A No, but they accepted--
- Q Well, you had better not be telling what he said, you ought to have him here.

By Com'r Needles:

- Q What year was that? A That was 1893.
- Q They didn't give you your Strip payment money? A No sir.

By W. W. Hastings:

- Q You know John Kinney? A Yes sir.
- Q How far did you live from him? A Maybe three or four miles, maybe five.
- Q He knows about your residence in the Cherokee Nation don't he?
- A No, he didn't, not from my childhood up. After my mother died I worked there some for him.

ALLEN LYNCH, being sworn and examined by Commissioner Needles, testified as follows:

- Q What is your name? A Allen Lynch.
- Q What is your post-office? A Vinita.
- Q What is your age? A 61 years old.
- Q You know Mariah Johnson, the applicant here? A Yes sir I have a short acquaintance with her.
- Q How long? A I haven't knowed her more than three or four years.
- Q Did you know Spencer Bell? A Yes sir.
- Q Was he a slave? A Yes sir.
- Q Who did he belong to? A Martin Bell.
- Q You know where Spencer Bell was during the war between the North and South? A No sir, first time I saw him I saw him at Louis Kell's.
- Q What year? A In the winter or fall of '66.
- Q Was he married then? A Not as I know of.
- Q Did you know his wife? A No sir.
- Q Never knew his wife? A No sir.
- Q Well, did you know Spencer Bell continuously from the fall of '66 up to the time of his death? A No sir, he left there in the spring of '67 from Louis Kell's, and I don't know as I ever remember seeing him any more.
- Q You don't know anything about Mariah Johnson here then only the last few years? A No sir, she told me she was Spencer's daughter, that is all I could tell you.
- Q You don't know where she has lived for the last 20 years?
- A No sir.

Examined by Cherokee representative, W. W. Hastings:

- Q First time you ever saw him he was at Louis Kell's after the war?
- A Yes sir.

- Q Working for Lewis Kell? A Yes sir.
- Q Lewis Kell lived on Cabin Creek near Hooley Bell? A Yes sir
- Q About how long did you say he worked there? A I don't know, he was there during the year, and I think he stayed there until the spring of '67, I won't be certain.
- Q That's the last you remember seeing him? A That's the last I remember ever seeing Spence.
- Q You know Anderson, or Grap, Lynch? A Yes sir.
- Q How far did you live from him in '66? A We lived about four miles.
- Q You visited him frequently? A Yes sir, pretty often.
- Q You knew the other colored people around in the country? A Yes sir, what there was there I knowed them.
- Q Now the first time you saw Spencer Bell was when he was working for Lewis Kell? A Yes sir.
- Q You never heard of him before that time? A No sir, I don't know just when he come there, or when he left there.

Applicant, MARIAH JOHNSON, re-called, and further examined;
By Commissioner Needles.

- Q Where is your husband? A He is at home.
- Q Have you got any witnesses now that know you and know you are Spencer Bell's daughter and how long you have lived in the Indian Territory? A I can bring in a witness here.

Examined by Cherokee representative, W. W. Hastings:

- Q Didn't your father die in Lawrence, Kansas? A Yes sir, he did.
- Q And your mother was living there with him at that time? A No sir, she wasn't.
- Q And you were living there with him? A No sir, my father didn't die at home at all; he didn't die here.
- Q But that's the place you went to school? A Yes sir, went up there.

Com'r Needles: Mariah Johnson applies for the enrollment of herself and six children, Hermon, George, Gracie, Alex Jr., Johanna and Luther Johnson, as Cherokee Freedmen; she also applies for the enrollment of her husband, Alex Johnson as a Cherokee Freedman by intermarriage; she is not identified upon the authenticated roll of 1880 or on the census roll of 1896 or the Kern-Clifton roll, but her name is found upon the Wallace roll; she avers that she is the child of one Spencer Bell by his wife, Elizabeth Biggerstaff, a non-citizen; she presents marriage certificate certifying to the marriage of her father to her mother, which occurred on the 5th day of February, 1865; she also presents duly authenticated marriage license and marriage certificate, said marriage license being issued by the authorities of the Cherokee Nation, certifying that she was married to one Alex Johnson on the 27th day of November, 1894; she also files permit issued by the Cherokee Nation permitting said Alex Johnson to transport hay, etc. By reason of the fact that the name of said Mariah Johnson does not appear upon the rolls of 1880 or the census roll of 1896, and only upon the Wallace roll, and by unsatisfactory proof as to residence and citizenship, said Mariah Johnson and her children enumerated herein will be listed for enrollment as Cherokee Freedmen on a doubtful card; the name of her husband, Alex Johnson, will also be listed for enrollment as a Cherokee Freedman by intermarriage upon a doubtful card. She will be

duly notified of the decision of the Commission, by mail.

M.D.Green, being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) M. D. GREEN.

Subscribed and sworn to before me this June 6th, 1901.

(Signed) T. B. NEEDLES,
Commissioner.

Josie Davies, stenographer to the Commission to the Five Civilized Tribes, having been first duly sworn states: That the above and foregoing is a full, true and correct copy of the original testimony in the matter of the application of Mariah Johnson, et al., for enrollment as Cherokee Freedmen, taken at Chelsea, I. T. on June 3rd, 1901, now on file with the Commission.

Josie Davies.

Subscribed and sworn to before me this 14th day of December, 1904.

Charles H. Sawyer
Notary Public.

CO.

THE INDIAN,
A FIVE CIVILIZED TRIBES

FILED

JUN 28 1964

1. The first part of the document is a letter from the President of the United States to the Congress, dated January 1, 1861. It is a formal communication, and it is written in a very formal style. The President is addressing the Congress, and he is talking about the state of the Union. He is talking about the progress of the country, and he is talking about the challenges that the country is facing. He is also talking about the role of the President, and he is talking about the responsibilities of the Congress. The letter is very long, and it covers a wide range of topics. It is a very important document, and it is one of the most famous letters in American history.

of the same kind as the one which was used in the case of the other two.

The following information was obtained from the above cited records concerning the activities of the subject during his period of confinement at the Federal Reformatory for Women at Alderson, West Virginia:

• 1910-1915

Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I.T., June 21, 1902.

In the matter of the application of Alex Johnson et al. for
enrollment as Cherokee Freedmen.

Supplemental testimony.

Appearances:

Mallett & Smith, attorneys for applicants;
W. W. Hastings, of counsel for Cherokee Nation.

Hamner Brown, being duly sworn and examined by Commissioner
Needles, testified as follows:

- Q What is your name? A Hamner Brown.
Q Where do you live? A Cooveesquowee.
Q How old are you? A About 55.
Q Are you a colored citizen of the Cherokee Nation, on the
1880 roll? A No, sir.
Q You are considered a doubtful citizen are you? A No, sir.
Q What are you? A A Cherokee.
Q Are you a recognized citizen of the Cherokee Nation? A Yes, sir.
Q Cherokee by blood? A Yes, sir.
Q Well, do you know the applicant, Maria Johnson? A Yes, sir.
Q What was her name before she was married? A Maria Bell.
Q Do you know a brother of hers by the name of Hector Bell? A Yes
sir.
Q Who was their father? A Spencer Bell.
Q Spencer Bell? A Yes, sir.
Q Do you know where he was after the war, or do you know when you
first saw him after the war, what year? A In '86.
Q Where did you see him? A Up to Mr. Kelly.
Q Well now, how long have you known these children, Maria Johnson
and Hector Bell? A Known them ever since they were little children.
Q Where have they lived during that time? A Yes, sir.
Q Where have they lived during the time you have
known them? A In the Territory.
Commissioner: What territory? A Cherokee Nation.
Mr. Hastings: Hamner, were you in the army? A No, sir.
Q Where did you stay during the war? A I stayed in the Territory.
I went south during the war.
Q Who did you come back with? A Came back with a man by
the name of Bennett.
Q Anybody else? A There was a whole lot of of us.
Q Any Cherokees? A Yes, sir.
Q Name some of them? A Came back with Joe Lehey, my wife belonged
to his mother.
Q That is Joe Lehey at Claremore? A Yes, sir.
Q What time in the year was it you came back? A I don't know,
I don't know any dates.
Q You don't know what year it was, do you? A No, sir.
Q You don't know what year this is, do you? A No, sir.
Q Don't know what year the Barn-dillon Commission was, do you?
A No, sir, don't know a thing about it.
Q You never know a date in your life? A No, sir, can't write;
a man can't write, can't know no dates.
Q You can't know when you were married? A I was married before
the war.
Q You don't know what date? A No, sir.
Q Don't know when a single child was born? A Know when they
were born, but don't know the dates.
Q How about Mr. Jim Kelly? A Mr. Lewis Kelly.

Alex Johnson et al. 2.

235th Civilized Tribes

1887 C.S. MUL

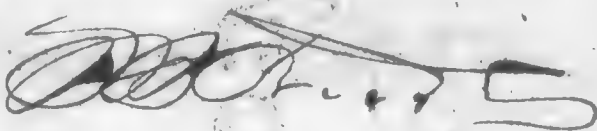
Q Where was Lewis Kell living? A Living on Big Cabin.
Q How far was that from Vinita? A I don't know, 15 or 18 miles I guess.
Q What direction from Vinita? A East.
Q This man living on it at that time, Spencer Bell? A He was living by Mr. Kell, me and him both.
Q Who else was living with him? A This boy I think.
Q How long had you been back here then? A Oh, a long time
Q Several years? A Yes, sir.
Q Over a year? A Yes, sir.
Q As much as three or four years after the war? A I expect so.
Q That was when you were living by him? A Yes, sir.
Q Did Kell have a wife then? A Yes, sir, I think he did.
Q What was her name? A I disremember now.
Q Did he have any neighbors around in there? A No, sir, wasn't anybody around there hardly.

Commissioner: This testimony will be made part of the testimony in D-493. It will also be made part of the record in the case of Rector Bell.

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C. Jones

Sworn to and subscribed before me this the 28th of June, 1901.



Commissioner.

3. We have been informed that the
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the fact that the Commission has not yet received any information from the Commission of the European Communities regarding the situation in the field of human rights in the country.

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Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T. October 10, 1901.

SUPPLEMENTAL TESTIMONY in the matter of the application of Rector Bell
Cherokee Freedmen D-791.

Appearances:

James S. Davenport for the Cherokee Nation,
Mellotte & Smith for the applicant.

M. S. PARSONS being first duly sworn by Com'r E. B. Needles,
testified as follows on the part of the Cherokee Nation:

By Davenport:

Q What is your name? A M. S. Parsons.

Q What is your post office address? A Ottawa, Kansas.

Q What is your age? A 46.

Q How long have you lived at Ottawa, Kansas? Since '65.

Q Do you know a colored man there by the name of Rector Bell? A Yes sir.

Q About how long have you known him? A I can't tell exactly, a number
of years, 12 to 14 years, maybe longer than that.

Q Did you know any of his people there? A I knew his father, he died
there.

Q What was his father's name? A His first name was—I can't think of
it just now—I know there were two Bells died there one was named
Justin Bell and the other one was named Spencer Bell, I think Spencer
Bell was Rector Bell's father.

Q How long since you saw this applicant there? A I saw him there in June.

Q Has he ever voted there? A Yes sir.

Q Has he registered there in the town of Ottawa in order to vote there?
A Yes sir.

(By Mellotte)

Q Where is he now? A I don't know, I haven't been at Ottawa myself since
the first of July.

Q Do you live in Ottawa? A Yes sir.

Q Where was he five years ago? A I don't know sir, I think he was at
Ottawa working there in the Central Hotel.

Q Are you certain about that? A I know he was there at election time.

Q He had no particular home there? A No sir.

Q He had some relations there? Yes sir.

Q Single man himself? A Yes sir.

Q You don't know whether he spent a portion of his time here in the
Cherokee Nation or not? A No sir, I don't, I never missed him from
Ottawa any length of time.

Q How large a place is Ottawa? A Nine thousand.

Q It is not strange that he could be away from there and you not know
it is it? A No sir except during election times.

Q Where was he twelve years ago? A I don't know.

Q Where was he fifteen years ago? A I can't swear where he was then.

Q You have known him only during the last few years? A I have known
him for a number of years, as to how long, I don't know.

(By Davenport)

Q You never knew him until he got grown? A Not until he commenced voting.

This will be filed in C. F. D-791, 1-493 and 1-494 as additional testimony.

Chas. von Weiss, being first duly sworn states that as stenographer to
the Commission to the Five Civilized Tribes he reported on full all the
proceedings in the above case and that the foregoing is a full, true
and correct transcript of his stenographic notes therein.

Subscribed and sworn to before me this 11th of October, 1901.

Commissioner.

Handwritten notes at the top right of the page.

described and shown to persons the first seen and the first seen.

the following is a true and complete statement of the above-
mentioned to the testimony and proceedings in the above case, and
attestation to the testimony to the above attested copies in re-
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Department of the Interior
Commission to the Five Civilized Tribes,
Wash., D. C., April 25, 1908.

In the matter of the Application of Spencer Bell for enrollment
as a Cherokee Freedman.

SUPPLEMENTAL EXHIBIT.

Applicants represented by Ballou & Smith.
Cherokee Nation represented by J. B. Hayward.

WILLIAM BRADY, being first duly sworn, testified as
follows:

MR. DAVENPORT: What is your name? A William Brady.

Q Where do you live, Mr. Brady? A Lawrence, Kansas.

Q How old are you? A I will be 31 in July.

Q How long have you lived in Lawrence, Kansas? A About 34 or 35
years, I think.

Q When did you go to Lawrence, Kansas, with reference to the closing
of the war or the confederacy? A '65 or '67.

Q After you went to Lawrence, Kansas, did you get acquainted with a
colored man and his family, the man's name being Spencer Bell? A
Yes, sir.

Q Do you know where they were living at that time, whether it was
Lawrence, Kansas? A They were living—I can't say that at the time
I got acquainted with him but I know where they were living at
after I got acquainted with him living there in North Lawrence not
very far from the bridge.

Q Do you remember the name of any of Spencer Bell's family? A
Well, there was one of the girls named Maggie, and the other one
named Bettie, one was named Necker, and the other was named John.

Q After you got acquainted with Spencer Bell's family how long did
they continue to reside in that neighborhood or near there? A My
whole family do you mean?

Q Yes, sir. I mean him and his family. Or did he ever move away?
I don't know whether he moved away or not. A I don't know that
he did.

Q Do you know whether he is living or dead? A He is dead I
think.

Q Tell me then when did he and his family or any part of it, move
away from there, or how long did you know them? A Well, one of the
girls married and went to Topeka.

Q Which one was that? A Maggie.

Q Do you know who she married? A She married a man by the name of
Al Green.

Q And then what happened to any of the rest of the family? A I
think the other married some man in Ottawa. I don't know where the
old lady is.

Q What became of John and Necker? A I don't know.

Q How long did you know them in and near Lawrence before they left
there? A I guess ten or twelve years anyway.

Q Did you meet them quite often while they were living there? A
Yes, sir, been to their house a good many times.

Q About how far away from there did you live while you were living
in Lawrence? A I didn't live more than three or four blocks
or something like that.

Q And from the time you got acquainted with them up to the time they
went away was ten or twelve years? A Yes, sir, I think it was.

Q You knew whether or not those five persons named passed? A
Yes, sir.

MR. DAVENPORT: I ask what did you first get acquainted with
Spencer Bell? A I got acquainted with him shortly after I came to

Lawrence.

Q Well, that was in '66 or '67? A No, I don't think it was in '66; I think it was about '67.

Q About '67 you got acquainted with Rector Bell? A Yes, sir.

Q Well, how large was he at the time you got acquainted with him? A Oh, he was a pretty good-sized man.

Q Brown? A Oh, yes, he was brown.

Q Well, you knew Spencer Bell did want? A Well, I was talking about him; I thought you meant Spencer Bell, the old man. I thought that you meant him when you was asking those questions.

Q I am talking about Rector Bell? A Yes, sir, his son.

Q When did you get acquainted with Rector Bell? A Well, I got acquainted with him along after that; I don't know just exactly when, but it was after I got acquainted with his father and mother.

Q How long after you got acquainted with his father and mother? A I am not able to say just how long, but I knew him when he was a boy around there.

Q How large was he when you knew him? A Well, he was a little fellow, I don't know just how large he was, I guess he was some probably four or five years old.

Q When do you think you first saw him? A I couldn't say that either.

Q Well, it was before you left there; you didn't stay there more than about eight or nine years did you, in Lawrence? A I have been there 34 or 35 years since I first come there.

Q Well can't you fix about the first year you got acquainted with Rector Bell? A No, I couldn't tell just exactly when I did get acquainted with him.

Q Well now when did you first know Spencer Bell? A Just shortly after I went to Lawrence about the same year.

Q You don't know what year you went to Lawrence? A Yes, sir.

Q You can't tell whether it was '66 or '67? A No, sir.

Q Well, did you live there continuously after you went there? A Well, yes; that's been my home ever since I went there.

Q But you were off at work for three or four or five months at a time, were you not? A Yes, sir.

Q How long is the greatest length of time you ever stayed away from there as a young man at work? A I think it was about something near a year.

Q Something near a year; where did you start? A Down in Missouri.

Q Well you don't know where Spencer Bell was then when you was away from there, do you? A No, I don't know where he was when I was away.

Q You don't know where Spencer Bell was in '66 or '67? A I won't be positive that I do.

Q You don't know whether you knew him in '66 or not? A No, sir, I don't; but I knew him shortly after '66 or '67.

Q Saw him frequently in there at Lawrence? A Yes, sir, worked with him.

COMMISSIONER: This testimony will be filed with and made a part of the record in the following Cherokee Cause No. 10-431, 10-432, and 10-433, the case at bar.

Arthur G. Crandall, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the testimony and proceedings in the above case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 25th day of April, 1907.

Arthur G. Crandall
Stenographer
John Smith
John Smith.

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ACTING CHIEF

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., April 28, 1902.

In the matter of the application of Mariah Johnson for the enrollment of herself and others as Cherokee Freedmen.

SUPPLEMENTAL TO D-405.

Applicants represented by Hellette A. Smith.
Cherokee Nation represented by J. S. Davenport.

COMMISSION: The Cherokee Nation by its representative makes satisfactory proof of service on the said Mariah Johnson that it would at the offices of the Commission in the town of Muskogee, Indian Territory, on the 28th day of April, 1902, introduce testimony tending to disprove her right to be enrolled as a Cherokee Freedman. The applicant is present in person.

HATTIE DRAKE, being first duly sworn, testified as follows:

MR. DAVENPORT: What is your name? A Hattie Drake.

Q Where do you live, Mrs. Drake? A Lawrence, Kansas.

Q How long have you lived at Lawrence, Kansas? A Well since I came to Lawrence, I came there right away after Quantrell's raid.

Q Well, do you know whether or not it was during the rebellion; the war was going on? A Yes, sir.

Q What is your age now, Mrs. Drake, or about your age? A 47 years old. My last birthday was the first day of last June.

Q After you went to Lawrence, Kansas, did you get acquainted with a family of colored people by the name of Bells and Buffingtons?

A Yes, sir.

Q Do you remember what the old gentleman Bell's name was? A His name was Spencer Bell, that's what they called him.

Q What was his wife's name, do you know? A Lizzie.

Q Did you know any of his children? A Yes, sir.

Q What were their names, if you remember? A Well I don't know as I can remember all of their names; there was one named Matilda, and one named Mariah, and one named Maggie, and there was—well, I think there was two other girls, but I disremember their names, and then there was a couple of boys named, one they called Johnnie and the other one they called Rector.

Q How far did you live from this Bell family, Mrs. Drake, or about how far? A Well, I couldn't tell just exactly how far it was at the time that I knew them, but we all lived in camps together there awhile, that is, Mrs. Bell and her children, I don't remember whether Mr. Bell lived there or not, but I seen him anyway in these camps.

Q Well after the war closed did you see them then? A Yes, sir.

Q Where did they live then if you know? A Why Mrs. Bell lived I couldn't state what street, but it was back of—it was on the west side of the bridge street, they called it, now in North Lawrence.

Q Well did you and the children ever go to school together or any of the children? A Yes, sir.

Q One of the children that you remember went to school with you? A Well, there was Maggie Bell and Mariah and there was another girl, I forget her name, I don't remember her name.

Q Was that before or during the war or after the war that you went to school with the children? A It was after the war.

Q Do you remember what kind of a school, whether it was a subscription or free school? A Well, my mother told me it was a free school; of course I didn't remember very well whether they paid or not, but she said it was a free school.

Q Well now when, if at all, did the Bell family move away from there or how long after you knew them until they left that country

after the close of the war? A Well, I couldn't tell exactly how long, but then I knew them there quite a little bit, I knew of Mr. and Mrs. Bell, I don't know how many the children went. They moved to Ottawa.

Q To Ottawa? A Yes, sir.

Q Do you know whether or not that Mr. Bell that you knew there, the father of these children, is dead or living? A Why I heard that he died in Ottawa and was brought back to Lawrence for burial.

Q When was that, you heard that how long ago or about how long ago?

A Well I couldn't tell exactly, I couldn't give the date, but then it must have been as much as fifteen or sixteen years ago, I couldn't say exactly.

Q Have you seen any of the family since they have moved away from Lawrence, met them anywhere, either of the children or old lady Bell? A Well I don't know as I have seen this lady; I think I know about the time that she was married in Lawrence; I think this is the same lady, her face looks familiar to me. (Indicating applicant.) I wouldn't be positive because I don't know; but I knew a Mrs. Mariah Bell that married a man by the name of Aleck Johnson, and I don't know whether these is the same folks or not.

Q Where was she living when it is understood that she married a man by the name of Aleck Johnson, the Mariah Bell that you knew? A Why I understood she lived in Lawrence.

Q Well did you understand they were married there or did you understand they were married somewhere else, where did you understand they were married? A I understood they were married in Lawrence.

Q About how long ago that you understand they were married in Lawrence? A Well I couldn't tell you the date at all.

Q Couldn't tell when that was? A No, sir.

Q Have you ever seen the boys John or Hector Bell since they moved away from Lawrence, Mrs. Drake? A I don't think I have.

MR. MELLETT: Now you are 47 years old you say? A Yes, sir.

Q How old were you then in '65? A Well I couldn't tell you exactly how old I was, but I would figure it up or get some one to do it for me, my mother says that I am 47 years old the first day of last June.

Q Well you couldn't as a child eight or ten years old remember very much about dates, could you? A About what dates?

Q About days and years and months? A Why I don't pretend to know very much about them, I say I couldn't tell just the year nor the day exactly that I went to school with these girls or even knew these folks; I don't know.

Q Well now you say you knew a Maggie Bell? A Yes, sir.

Q How old was she, elder than you? A I couldn't tell you, I don't know, sir.

Q Well did you know whether she was elder than you or not? A No, sir.

Q Whatabout Matilda, was she elder than you? A I think Matilda was younger than I am, I think she was.

Q Well now this woman here she gives her age as 31 years; if that is true you didn't know her back in '65 and '66 did you? A I don't say that I knew this lady, I don't know whether this is the same lady or not.

Q Now she is an applicant here for enrollment as a citizen, this one is; and you don't recognize her as the one you ever met then? A Well, I knew Mariah Bell, I knew her name was Mariah Johnson afterwards.

Q Well do you know this is the one? A I don't know whether she is the same one or not; I don't remember whether she is the same one or not.

Q Well if she's 31 years old and you're 47 why you are 16 years elder than she is; you wouldn't have been apt to go to school with

bert A I don't know sir, I want to school with Mrs. Bell's children.

Q Yes, but is it not a fact that you want to school with some children who were neighbors and sisters of this Mariah Johnson here? A That might have been; I don't know whether they was full brothers and sisters or not; I never inquired into it, full brothers or sisters or not.

Q Now as a matter of fact you haven't very much remembrance about dates have you when they left there or anything of that kind? A No, sir, I couldn't say when they left there.

Q And you don't know where they went except just from what people said? A No, sir, I didn't see them go.

Q Well did you ever live close to them at any time? A Well not exactly right close; as I told you these folks know us in the same camp, we camped.

Q How long did they stay in these camps? A Well I don't remember, we were in there I guess five or six weeks.

Q When was that now? A It was the same year of Quantrell's raid.

Q That was during the war then wasn't it? A Yes, sir.

Q And how long after that did you know these people? A Well I knew these Bells that I knew quite a bit after that.

Q You don't know where they were all the time do you? A No, sir, I don't know where they were all the time.

Q You don't know whether they came down into the Indian country or not at times and then came back up there, do you? A No, sir, don't know anything about that.

Q Do you know where Spencer Bell was in '66? A No, sir, I do not know where he was in '66, I don't know the date; I knew he lived in Lawrence, but I don't know the date he moved away from there.

Q Well you didn't watch him all the time to tell where he was every day, week and month? A No, sir.

Q Couldn't remember this length of time how many times you had seen him in a year or anything of that sort? A Oh, no, I couldn't remember how many times I seen him in a year.

MR. DAVENPORT: Mrs. Drake, what was your name before you were married to William Drake, what was your maiden name? A Well before I was married to William Drake my name was Wilson, and before I was married to Wilson I went by the name of Harriet Lee, that was my stepfather, Lee was my stepfather.

Q That was your name was it when you were going to school with these children you spoke of? A Yes, sir, Harriet Lee.

MR. NELLETTE: Don't you know as a fact that Mariah Johnson, the applicant here, didn't have any sisters by the name of Matilda and Maggie Bell, that she didn't have any sister named Maggie Bell? A I don't know whether they were sisters or not, but I am talking about Mrs. Lizzie Bell's children. She had a girl by the name of Matilda and one by the name of Maggie and one by the name of Mariah; I don't know whether they was this lady's sisters or not, but I am just talking about Mrs. Lizzie Bell's children, the ones that I knew.

Q Now where was Aleck Johnson and Mariah Bell married? A I couldn't say for sure where they was married, but I heard that they were married in Lawrence.

Q Now don't you know that they were married in the Cherokee Nation? A I don't know, I say that these that I speak of I heard that they were married in Lawrence.

Q Well then you are not talking about, you don't know the applicant, you don't know that you even know the applicant for citizenship in this case, do you? A I knew the Bells and I knew Mariah Bell, and I knew a man by the name of Aleck Johnson and that they said married Mariah Bell and I heard that they were married in Lawrence, Kansas.

Q Well now when did you hear they were married? A I couldn't tell you what year.

Q But you don't know that they were married in Lawrence? A I don't know they was married at all; I didn't see them married.

Q Who told you they were married in Lawrence? A Well I heard several different ones; I couldn't tell you right now; I don't know as you would know their names if I do call them.

Q Well I would like to have a chance. A I heard several different persons say that they were married; that's all I know about it.

Q Well now here is a certificate of the clerk of Cooweescoowee District, Cherokee Nation, showing that these people were married in the Cherokee Nation on the 27th day of November, 1894? A I don't dispute it; I say that I heard that they were married in Lawrence.

MR. DAVENPORT: I object to that for the reason that the applicant's own testimony shows she has a child eight years old, and the date of the birth of the child antedates the license that Mr. Mellette is using to question the witness from. Her own testimony shows that she got a child eight years old; they either commenced before they were married or they didn't marry early enough.

MARIAH JOHNSON, being first duly sworn, testified as follows:

MR. MELLETTE: What is your name? A Mariah Johnson.

Q Where do you live? A Lenepah.

Q Are you the applicant for enrollment here in this case? A Yes, sir.

Q Do you know the witness, Hattie Drake, who just testified?

A I tried to recognize her when she came in, but I don't; if I did I wouldn't be afraid to—

Q Well did you ever go to school with her? A I don't remember ever going to school with her.

Q Well now where were you married to Aleck Johnson? A At Lenepah.

Q At Lenepah? A Yes, sir.

Q When? A 1894 just as that shows. But I just want to say like this: The year of 1890 we went down to Vinita to be married according to Cherokee law, then I think Harden Trett was the clerk there, any way it was a big Fat Indian—

Q Maybe it was this man here. (Pointing to Mr. Davenport.) A No, he doesn't look like he had much Indian blood. He told me that—

MR. DAVENPORT: I object to what he told you.

A Aleck Johnson would have to be known in here three years before he could be married according to Cherokee law, as we had Brother Smith to marry us without any license until we could apply to—

Q Who was Brother Smith? A Rev. Smith, of Coffeyville. He married us at Lenepah; the colored people never got no license. Yes, sir, we just went down to be married, and we didn't have the seal on our license. Well, I got married to my husband, Aleck Johnson, and we went to the clerk to get our license so that we could be married according to Cherokee law, and he said he wouldn't accept it without the seal, and he sent back up north to get the seal put on, and we would comply with the law; that's the reason why that my oldest child, as you say, comes under— I could prove that if it's necessary and Kansas has the record, and if I can find my marriage license, but I wouldn't like to do that because there isn't nowhere in the Cherokee Nation—

Q Where were you born? A Why my mother said that we were born here in the Cherokee Nation.

MR. DAVENPORT: I object to what she said.

A That's my instructions; that's my instructions; I asked her and she said so, in the Cherokee Nation. We went to this man to get a license and he said that to comply with this Cherokee law

a man would have to be known in here at least three years.

MR. DAVENPORT: I object to that because it isn't the law.

A Well, that's what they told us--

MR. DAVENPORT: And I object to incorporating any of that in the record.

A Well, that's what they told us.

MR. BELLETT: Where did you understand, what part of the Cherokee Nation do you understand you was born in? A Why she told us close to the line; she tried to explain and tell him where it was at in the other court, Mr. Hastings.

MR. DAVENPORT: Now have you any brothers? A I have.

Q What are their names? A Reator and John.

Q Bell? A Yes, sir.

Q What was your father's name? A Spencer Bell.

Q Spencer Bell? A Yes, sir.

Q What was your mother's name? A Elizabeth Bell.

Q Do you know whether or not as near as you can remember that your mother and father ever lived in Lawrence, Kansas? A Why I told them that I--

Q Now just answer the question? A Yes, sir, my mother was there.

Q Your father died at Ottawa, didn't he? A Yes, sir.

Q Where was you when your father died? A Was going to school.

Q Your father was living in the town of Ottawa at the time of his death? A Why no, sir, he just lived--

Q Just answer my question, yes or no? A No, sir.

Q Wasn't your father keeping house in the town of Ottawa? A No, sir.

Q Wasn't he keeping house in the town of Ottawa and living with your mother and the other children at the time of his death? A I never lived in Ottawa in my life, and never was there two nights in my life.

Q Now wasn't you? A No, sir.

Q Did your father and mother ever keep house in the town of Lawrence, Kansas; you was large enough to remember? A No, my mother was there part of the time with us.

Q Where was your father living at the time of his death? A After he had lived here in the Cherokee Nation.

Q Did he die in the Cherokee Nation? A No, sir, but he died sixty miles this side of Lawrence as he was coming back here to the Cherokee Nation.

Q Was you with him at the time of his death? A No, sir.

Q Well, how do you know where he was when he died? A Why wouldn't I?

Q Well if you wasn't with him how do you know it? A Why because I guess I seen him, I ought to know.

Q You didn't see him, you wasn't present when he died? A No, sir.

Q You wasn't present at his funeral? A No, I wasn't because I was sick; but I could have been.

Q Where was you when the funeral took place? A In Lawrence, Kansas.

Q In Lawrence? A Yes, sir.

Q And you was living in the city of Lawrence at the time of his death? A Was there going to school.

Q Now you and Aleck Johnson met in the city of Lawrence, Kansas, didn't you? A Why I have seen him in Lawrence.

Q Wasn't you married and living in Kansas? A No, sir, I got married to Aleck Johnson here in the Indian Territory.

Q Did you ever meet Aleck Johnson before you met him in the Indian Territory? A Yes, sir, I have seen him a good many times before.

Q You knew him when you lived in Kansas? A Yes, sir.

Q Knew him when you was a grown woman up there too, didn't you?

A No, sir, I wasn't no grown woman.

Q Did you marry him before you was grown? A No, I married him

after I was grown.

Q Did you know any of the officers in the city of Lawrence, Kansas, after you was grown? A I might have known them.

Q You knew W. A. Clark, who was sheriff there in 1889 didn't you?

A I might have known him.

Q Aleck Johnson worked for and was with W. A. Clark in the city of Lawrence, helped him make his race in the campaign of 1889?

A I expect he was.

Q Was you living in the third ward at that time, was you where Mr. Clark was living? A Why I never lived in no third ward--

Q Just answer the question? A No, sir.

Q You knew Mr. Clark didn't you, that was sheriff there? A I might have known him.

Q You knew that the colored men, the colored people solicited him to make the race? A No, sir, I wasn't a politician at that time and I'm not yet.

Q You and Aleck Johnson was married before this license that you speak of here by the Cherokee authorities was issued, wasn't you?

A Yes, sir.

Q Well now what year did you say you was married? A The year of 1890.

Q And in what country? A Cherokee Nation.

Q Where is that license that you got in the Cherokee Nation to marry? A Why we was married just like the other people around there, had a preacher, didn't have no license.

Q There was a law at that time requiring any United States citizen to get a license? A No, sir, not as I know of. We just got a preacher and got married. He went through the country marrying people without any license.

Q Just promiscuously around over the country? A Yes, sir.

Q Then you applied to Mr. LaHay to get your Cherokee license, that you had him send your other license away to get the seal put on it?

A No, sir. That was a recommendation; you see they had to have twelve citizens from there and twelve from the Cherokee Nation here before these Indian licenses were granted; then when I brought this from Kansas it was a recommendation. It wasn't no license, the recommendation wasn't no license, it was a list of names.

Q You was mistaken when you said he sent the license; what seal did they put on it up there? A They put just the United States seal.

Q What country, where did he send it to get the seal? A Kansas.

Q Now what seal was it? A United States seal. They was no seal at all on it first and Mr. LaHay said that he wouldn't accept it without the seal, so that that delayed us; he had to send it back up there to get the seal put on it.

Q Where was you living when you and Aleck Johnson was married in 1890 as you say? A Was living in the Cherokee Nation.

Q What point? A I stayed part of the time with my uncles, we didn't have no place then.

Q Well, did you have a postoffice? A Yes, sir.

Q What was your postoffice? A Coffeyville, Kansas. We would go up there to get our mail, but we was living in the Cherokee Nation.

Q Where would you make your home when you was living in the Cherokee Nation? A Part of the while with Dave Martin and lived with George.

Q Dave went clear away from Elliott postoffice? A I got my mail at Coffeyville. I don't know where Uncle Dave was, I didn't.

Q You lived the greater part of the time in Coffeyville didn't you? A No, sir, never did live in Coffeyville.

Q Now where was you when you first remember of coming, where did you live? A When I first remember of coming?

Q Yes. A Why I didn't have to come; I was already here and went out to school when I was about nine years old.

Q And you stayed out to school until after you was grown? A No, sir, in '87 my mother written for me to come home, her health was failing, and after I come home she died.

Q When did your mother come back to the Cherokee Nation after the war? A I don't know anything about that or when father came.

Q You know your father died in Kansas? A Yes, sir.

Q Your mother died up there too didn't she? A Yes, sir.

Q Well when did she come back after your father's death; how long after that, if she came at all? A Why she was here before father died and went back.

Q Well when she was living up there in Kansas where were you living? A I was up there going to school.

Q Well didn't you do anything else but go to school? A I worked some.

Q How many years did you go to school in Kansas? A Well, I guess I went to school through the first, second, third and fourth until I got to the eighth grade. I was in the eighth grade when she written for me to come home.

Q With whom did you stay while you was attending school up until you got up to the eighth grade in Kansas? A My stepsisters sometimes.

Q What were their names? A By the name of Green.

Q Well, her first name; first name; what was Mrs. Green's first name? A Hannah.

Q Well have any other sisters up there? A Not in Lawrence, Kansas.

Q Well anywhere up in that country? A Why in Ottawa, Kansas, I have one.

Q What was her first name? A Betsy, she's just half-sister.

Q Have you any other sisters? A Have Matilda.

Q Any other? A No.

Q Now was Matilda your own sister or half sister? A She is a full sister.

Q You only have the two half-sisters you mention, didn't have any sister named Maggie? A Half sister.

COMMISSION: This testimony will be filed with and made a part of the record in the following Cherokee Freedmen cases: D-494, D-491, and D-493, the case at bar.

Arthur G. Croninger, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the testimony and proceedings in the above case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Arthur G. Croninger

Subscribed and sworn to before me this 30th day of April, 1908.

[Signature]
Notary Public.

70493

(hand)

INDEXED

Original

COMMISSION TO THE PUBLIC
FILED
JUL 5 1902



ACTING CHAIRMAN



Department of the Interior,
Bureau of the Five Civilized Tribes,
Washington, D.C., May 22, 1904.

In the matter of the application of Maria Johnson et al for
enrollment as Cherokee Freedmen.

SUBVINCULAR NO 2-200.

APPEARANCES:

Louis T. Brown, representing Marietta A Smith, for applicantes
W. W. Hastings for Cherokee Indians.

EVIDENCE IN SUPPORT OF APPLICANTS.

DAVID ISAAC, being first duly sworn, testified as fol-
lows:

MR. HUNTER: State your name? A David Isaac.

Q What's your age, Mr. Isaac? A 32 years.

Q Your present place of abode? A South Lawrence, Douglas County,
Kansas.

Q How long have you lived in the vicinity of Lawrence, Kansas? A
Well I came there the fall of '82, September, '82, and have been
living in that vicinity up till I came down here.

Q Did you know a man up there by the name of Spencer Bell? A I
did.

Q When did you first begin to know him? A Well, it was after I
came there, I guess the winter of '83, didn't know him a great while,
that is, only knew of him and met him and talk with him at times.

Q Was he known as an Indian nigger? A I knowed that he was known
by the people saying so and hear-say so that he was a Cherokee nigger.

Q What did Spencer Bell leave the vicinity of Lawrence, Kansas?

A Why sometimes in the fore part of the summer I seen Spencer Bell
and he told me he had went to the Cherokee nation.

Q Of what year? A Oh, '88. And I asked him

MR. HASTINGS: That's entirely a declaration in his own interest,
made when he didn't know it though.

MR. HUNTER: State what you know about it. A I asked him what
was in it; he claimed to be went out, and his feet sore, and I
asked him what was they in it, that he was making that kind of noise
he asked me if I knew Ben Sweeney; I says yes, I know him; he said
he's an Indian nigger. Well I says I know he is; he's gone, but he's
come back.

Q That was in the summer of '87? A Yes, sir.

MR. HASTINGS: Part of the summer of '87? A Yes, sir.
Well I guess must have been in June, maybe May; I don't know,
somewhere along in the fore part of the season.

MR. HUNTER: Did he ever live there again? A Yes, sir, the
old man, he come down to there about it, I don't know whether the
old man really lived at the head all the time or lived out of
sight, but he was somewhere and forward at the head or away from
there the most of the time as long as I knowed him.

Q How do you know a woman who lives in Lawrence, Kansas, by the
name of Rattle Head? A Yes, sir, her husband is uncle to my
wife, and would make an aunt in me; that is by marriage; she had
two husbands.

Q Where was she living in '82, is that right? A Oh, my wife says I
think that she lived at the beginning then down near about Fall-
ford, about seven miles east of Lawrence, Kansas.

Q Do you know this applicant, Maria Johnson? A Yes, sir.

Q During those years did Hattie Drake go to school in Lawrence, Kansas? A Oh, no, her folks never lived there, they ran Stephens farm and lived in the country.

MR. HASTINGS: How long did you continue to know Spencer Bell up there? A Oh, I knowed of him backwards and forwards from '88 until he was dead; I don't know how long it's been since he has been dead.

Q Did he die up there? A No, they reported he died up in Ottawa and brought back to Lawrence for burial.

Q When was it he was reported to have died up there? A Well he was reported to have died up there, I don't exactly know the date he died, but then I know that he was brought back, and I was working out at Fort Riley, working on a construction train to pick up a wreck.

Q He died at Ottawa? A Yes, sir, what they told me he died at Ottawa; it's all hearsay that I tell you about his death.

Q The time that Spencer Bell came to the Cherokee Nation was in May or June, '88, early part of the summer? A Well I think he was back in June; that is what I think, won't be sure, but I think he was back in June.

Q Think he was back there in June? A Yes, sir.

Q Did he have a family up there? A Yes, sir, they said he had a family, I don't know much about the old man's family.

Q The truth of the matter is you just seen him occasionally? A I seen the old man occasionally, talked to him, couldn't talk very plain.

Q Do you know what his business was? A Well he told me he jobbed around. But the old man seemed to be wild after he had found out that he could get down here, he seemed to be wild about the other Cherokee niggers not coming back; that's the trouble with old man Bell.

Q When you saw him he was always in Kansas? A Yes, sir, he was there in Kansas when I saw him.

Q You never saw him in the Cherokee Nation? A No, sir, I never saw him in the Cherokee Nation.

Q When did you marry into Hattie Drake's family? A Why I never married into Hattie Drake's family at all.

Q Well how is it that you are related to her? A Bill Drake is my wife's whole, and after she was married.

Q Bill Drake is your wife's whole? A Yes, sir.

Q How long have you been married to your present wife? A Well I have been married to her 28 years the 6th day of last February.

Q Well prior to that time you wasn't in any wise connected with Hattie Drake's family? A Well I know where they lived when I gathered up stock for Robinson; I know right where they were living.

Q Well you never had any particular occasion to look after their family prior to the time you married into it? A From the time I married; from the time she married Drake.

Q Yes, sir. A Why the time I married?

Q The time you married? A Well no, but I knowed the folks.

Q What school did this Hattie Drake go to? A Went to the schoolhouse at Fall-har.

Q Are you prepared to say now that she never went to school in Lawrence in '88 and '89? A No, I am prepared to say that she never went to school there.

Q How can you swear that? A Because she didn't live there and her father was a poor man.

Q Well do you know where this girl was in the years of '88 and '97?

A She must have been at home.

Q Well do you know that thought? A No, sir.

Q Was you at their house in '88? A Well now I went by then.

Q Were you at Hattie Drake's house? A Well, sir, I was at her father's lots of times.

Q And you know that she didn't go to school there? A Well if she went to school in Lawrence I never knowed it, and I'll bet ten dollars that the record won't show any record that she ever went to school a day in Lawrence.

Q Well now how is it that you can remember, when you wasn't connected with a man's family, where a girl thirty-six years ago went to school, when you had no occasion to know her, to know anything on earth about it? A Why, man, I was backwards and forwards. I bought corn from Uncle Charley Lee, that's Hattie Drake's father; she was a Lee. I bought corn from him and hauled it to the Robinson farm, that is I didn't buy it, but Gov. Robinson's farm bought it, and we hauled it to his stock to feed hogs.

Q Well now what has that got to do with your knowing where Hattie Drake went to school? A Well, I tell you I didn't know, but I would bet money that the record-

Q Well you don't know then? A No, I don't know.

Q You don't know it; that's all? A No, I don't know, I don't say that I know it, but I would bet on it she never went to school in Lawrence.

MR. BROWN: Mr. Logan, do you know any of Hattie Drake's children? A I know of two of them and perhaps three.

Q About how old is the oldest one? A One of them is thirty years old, boy, he is two years older than my son, my son was twenty-seven years old last October, the 25th I think his age is.

Q That's the oldest child she has? A Yes, sir, that's the boy, his wife died last week.

Q Was that her first child? A That was the first one I know nothing about.

Q You were subpoenaed here by the Cherokee Nation were you not? A I don't know how I was subpoenaed here, to tell the truth. I was subpoenaed by a man that said he was doing business with the Cherokee, and I was to go to the Cherokee Nation, and they tell me I am in the Cherokee Nation.

MR. HARTMAN: You don't know whether you are in the Cherokee or where? A No, sir, I just got to take what the people tell me.

MR. BROWN: You were subpoenaed by a man by the name of Key? A Yes, sir.

Q Who told you that he was a U. S. Marshal? A Yes, sir, that's what he said, if he hadn't been I wouldn't have turned a wheel for him, because if a U. S. Marshal gets after you he makes a mistake.

COMMISSIONER: This testimony will be filed with and made a part of the record in the following Freedmen cases: B-424 and D-721.

Arthur G. Greening, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the testimony and proceedings in the above case, and that the foregoing is a true and complete transcript of his notes.

Private and confidential.

Arthur C. C. C. C.

Presented and signed to the Secretary of the Navy, 1904.

(Seal)

Arthur C. C. C. C.
Secretary of the Navy

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and the camera he lifted after the demonstration and captured some of the most interesting scenes of the day. The camera was used to take pictures of the crowd and the speaker, and the camera was used to take pictures of the crowd and the speaker.

123

1954-1955

REPORT OF THE
COMMISSIONER OF THE
LAND OFFICE
FOR THE YEAR
1900

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1947

1. The first of the three proposed bills of the committee is for the purpose of providing for the appointment of a commission to investigate the conditions of the labor market in the city of New York. The second bill is for the purpose of providing for the appointment of a commission to investigate the conditions of the labor market in the city of New York. The third bill is for the purpose of providing for the appointment of a commission to investigate the conditions of the labor market in the city of New York.

THE UNIVERSITY OF CHICAGO

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IN THE COURT OF THE DISTRICT OF COLUMBIA

Department of the Interior,
Bureau of the Land Office,
Washington, D. C., May 31, 1902.

In the matter of the application of **WILLIAM SMITH** for enrollment as a Cherokee Freedman:

Applicant appears by **Mallette & Smith**, Cherokee Nation, by **W. W. Hastings**:

By **Mr. Smith**:

The applicant moves the Commission to make the certified copy of the decree of the Court of Claims in the case of **Moses Whitmire**, Trustee for the Freedmen, vs. The Cherokee Nation, No. 17209 filed in the **Mariah Hayden** case F. D. 493, a part of the record in this case and the cases hereinafter mentioned by reference to the said case of the said **Mariah Hayden**, and if it be deemed necessary that a copy of the said decree be filed in this case and in the following cases, to-wit:

Mariah Johnson, F. D. 493;

By **W. W. Hastings**:

Comes now the Cherokee Nation and objects to the introduction of the decrees, because, First: It does not tend to show that the applicant was a slave of the Cherokee Nation at the beginning of the war, nor that he returned within the time specified in the treaty of 1866, nor that he had been a continuous resident of the Cherokee Nation since that time, or that he is a descendant of such a person. Second: Because the same is incompetent, irrelevant and immaterial, and does not tend to prove an issue in this case. Third: Because the Commission will take judicial knowledge of all laws, treaties and decrees necessary for the determination of the right of any person who makes application for citizenship. Fourth: The Cherokee Nation objects to the filing of a certified copy of this decree in the case of an applicant unless the same is called and filed in each individual case.

Commission:

The motion of the attorney for the applicant will be entertained and the decree of the Court of Claims filed in the case of **Mariah Hayden** will be made a part of the record by reference in all the cases above named with the exception of those which come within the provisions of the temporary injunction recently granted by Judge Gill of the United States Court, in the Northern District, Indian Territory.

Mr. Smith:

The applicant further moves that as to the above named cases including the **Mariah Hayden** case, that counsel for the applicant be allowed within thirty days to file any of the proof of any or all of the records other than the decrees already referred to.

in the case of Moses Whitmire, trustee, vs Cherokee Nation, on file in the Court of Claims to the counsel of the Cherokee Nation if it is desired to do so.

W. W. Hastings:

The Cherokee Nation most certainly strenuously objects to the allowance of this permission or to the granting of this request for the reason that most of these applicants have had more than a year in which to file all of their testimony that they desired to file to make out their case before the Commission and that notice was given them all by agreement in March last, that the cases would be closed so far as testimony was concerned by the special permission of the firm of attorneys representing these applicants, on the 31st day of May, 1902, and that this being the 31st day of May, 1902, we say that under the rulings of the Commission, that under the agreement between the attorneys, that the testimony in all these cases is to close and should be closed by the Commission, and that no extension should be granted in any case and no case re-opened unless there is some special and particular reason shown either by the Cherokee Nation on the one side or the applicant on the other why an extension of time is necessary or desired.

The Commission:

The law provides that the roll of Cherokee freedmen shall be made in strict compliance with the decree of the Court of Claims rendered the 3rd of February, 1896, and as the Commission must take judicial notice of the judgment roll of said Court in the proceedings referred to the motion of attorneys for applicants for additional time to file certified copies of the proceedings of the said Court is denied.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings in the above case, and that the foregoing is a true and perfect transcript of his stenographic notes thereof.

(Signed) E. G. Rothenberger.

Subscribed and sworn to before me this 14th day of June, 1902.

(SEAL)

(Signed) P. G. Reuter,
Notary Public.

I, E. C. Bagwell, a stenographer to the Commission to the Five Civilized Tribes, on oath states that the above and foregoing is a true and perfect copy of the original testimony in the above entitled cause as filed with the Commission, which copy was made by me.

E. C. Bagwell

Subscribed and sworn to before me this July 22, 1902.

P. G. Reuter
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Joe
Ed

In the matter of the application of Mariah Johnson et al.
for enrollment as Cherokee Freedmen, consolidating the applications
of

Mariah Johnson et al.-----Cherokee Freedmen D 493,
John Bell-----Cherokee Freedmen D 494,
Rester Bell-----Cherokee Freedmen D 791.

D E C I S I O N

The record herein shows that applications for enrollment,
as Cherokee Freedmen, were made to this Commission by Mariah Johnson,
for herself and minor children, Herman, George, Gracie, Aleck, Jr.,
Johanna and Luther Johnson; by John Bell, for himself; and by Rester
Bell, for himself. The application of the said Mariah Johnson et al.
also included Aleck Johnson, husband of the said Mariah Johnson, who
claims right to enrollment as a Cherokee Freedman by intermarriage but,
the status of persons claiming right to enrollment as Cherokee Freedmen
by intermarriage not being fixed at this time, the said Aleck Johnson
is not embraced in this decision.

The evidence shows that all of said applicants herein have
been born since 1866 and are descendants of and claim right to en-
rollment through one Spencer Bell.

The evidence further shows that the said Spencer Bell was
the slave of a Cherokee citizen at the commencement of the rebellion;
that, during said rebellion, he left the Cherokee Nation and did not
return thereto until after January 19, 1867.

The names of none of the applicants herein or any of their
ancestors are found on the 1860 authenticated roll of the Cherokee
Nation.

It is, therefore, the opinion of this Commission that the
applications for the enrollment of Mariah Johnson, Herman Johnson,

George Johnson, Gracie Johnson, Alonzo Johnson, Jr., Johannes Johnson, Luther Johnson, John Bell and Hector Bell should be denied, under the provisions of Section Twenty-one of the Act of Congress approved June 28, 1906 (34 Stat., 493), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.


Chairman.


Commissioner.


Commissioner.


Commissioner.

Muskogee, Indian Territory.

this JUL 10 1909

J.

J. D. 493.

NO. 070. L. 41722.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED

JUN 7 1901

 ACTING CHAIRMAN

RECORDED FOR REFERENCE.

COMMISSIONERS
HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BUCKINRIDGE,

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chelsea, Indian Territory, June 7th, 1901.

Received of the Commission to the Five Civilized Tribes one copy of the original and one copy of the supplementary testimony in the matter of the application of Aleck Johnson et al for enrollment as Freedmen of the Cherokee Nation.

Mullett & Smith

Attorneys for Applicants.

Cherokee F. #D493.

COPY.

Cherokee Freedmen
Draft.

Muskegee, Indian Territory, July 24, 1903.

Mariah Johnson,

Lawson, Indian Territory.

Dear Madam:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated July 10, 1903, in the consolidated case of Mariah Johnson, et al., rejecting, among others, your application for the enrollment of yourself and your six minor children, Herman, George, Gracie, Aleck, Jr., Felmanna and Luther Johnson, as Cherokee Freedmen. There has heretofore been furnished your attorneys, Hallett & Smith, Vinita, Indian Territory, a copy of the record of proceedings, and there has this day been forwarded to them a copy of the Commission's decision.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

T. B. Needles,

Commissioner in Charge.

Register.

Reg. H-65.

COPY

Cherokee Freedmen
D-493 & D-792

Muskogee, Indian Territory, July 24, 1903.

Mallette & Smith,

Attorneys for Mariah Johnson, et al.,

Vinita, Indian Territory,

Oklahoma,

There is herewith inclosed a copy of supplemental testimony in the consolidated case of Mariah Johnson, et al., together with a copy of the Commission's decision, dated July 10, 1903, rejecting, among others, the applications for the enrollment of Mariah, Herman, George, Francis, Alcock, Jr., Johnsons and Luther Johnson, and Rector Bell, as Cherokee Freedmen. You have heretofore been furnished with a copy of the record of proceedings.

The decision, with the record of proceedings and in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

T. E. Needles

Commissioner in Charge.

Register.

Sub. Bell.

COPY.

Cherokee Freedmen
D-493, D-494, D-791.

Muskegee, Indian Territory, July 24, 1903.

W. W. Hastings,

Attorney for Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated July 10, 1903, in the consolidated case of Mariah Johnson, et al., rejecting the applications for the enrollment of Mariah, Herman, George, Grace, Alack, Jr., Johannna and Luther Johnson, John and Hector Bell, as Cherokee Freedmen.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

T. B. Needles.

Commissioner in Charge.

Enc. H-67.

COPY.

Cherokee Freedmen
D-493, D-494, D-732.

Atsagee, Indian Territory, July 24, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the report of proceedings had in the consolidated case of Mariah Johnson, et al., together with the Commission's decision, dated July 10, 1903, rejecting the applications for the enrollment of Mariah, Herman, George, Francis, Alack, Jr., Johannna and Esther Johnson, John and Bester Bell, as Cherokee Freedmen.

Respectfully,

T. B. Needles.

Commissioner in Charge.

Through the

Commissioner of Indian Affairs.

Enc. H-68.

COPY.

Cherokee Freedmen
D-M et al.

Muskogee, Indian Territory, January 24, 1905.

Wells, Hastings & Javenport,
Attorneys for the Cherokee Nation,
Muskogee, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated January 19, 1905, rejecting the applications for the enrollment of, William Davis, Henry Thomas, Ella Vann, Mary Matthews, Frances Walton, John Jackson, Mary Jane Vann, Thomas Love, Ella Hayfield, Sallie Rider, Reuben Campbell, Van Jackson father, Cassie Middleton, Mary Harris, Nellie Fields, John Kinko, William S. Madson, Jane Beas, Albert F. Thomas, Mary Campbell, Caroline Daniels, Melvina Alberty, Dave Morris, Alexander Chubbett, Amanda Martin, Eliza Martin, John E. Bowers, Nell Davis, Samuel Brown, Edward F. Watson, Jack McComb, Kattie Foster, George Reed, Jr., Jack LeMay, Nell Thompson, Louis Scott, Ben Scott, Fannie Hampton, Thomas E. Allen, Lewis Vanderford, John I. Rowlin, Katie Davis, Charles Williams, John J. Rose, Jane Martin, Lena Patterson, Alex Johnson, Martha Vann, John Scott, Nancy Rose, Charles C. Smith, Marie Calhoun, William Shaght, Susan Johnson, Alfred P. Hopkins, Kimmie Vann, Freddie LeMay, Lucy

Chuteau, Alice Jurast, Mahaley Ward, Fred D. Thomas, Bettie Bush,
 Ellis Warren, Millie Robinson, Mary Weber, Frances Martin, Mary
 Wiley, Emanuel Taylor, Henry Sykes, Larkin P. Powell, Stephen Dunn,
 Malinda Vann, Frances Johnson, Annie Foster, Mary H. Rogers,
 George Washington Lane, Jane Brown, Samuel L. Young, John Paulmer,
 Willie Cox, Leonard Bowles, Malinda Merrill, Charles Gleggett,
 Samuel Irvan, Mary Ross, Maggie Rave, Emma Rave, Ella Ross,
 Elizabeth Juncos, Sadie Adams, Georgeann Archer, John Gleggett,
 Mattie Smith, Jack Jackson, Lula Sanders, George Hambrick, Lisada
 West, Maria French, Mary Johnson, Maggie Vann, William Nelson,
 Sarah Rogers, Arthur Ballard, Laura David, John Jackson, James
 S. Ruffy, Isaac Welch, Lawson Logan, George Howell, Mary Smith,
 George Adams, Anna Thomas, Lewis McDaniel, Ollie Vann, Lou
 Brown, Ella Blair, Robert Brown, Alice Henderson, Ida Adams,
 Ellen Smith, Ella Blair, Carrie Smith, Margaret Clark, John
 Deery, John Speece, Matilda Blair, Mattie Vann, Wilson Lath,
 Fannie Rogers, William Washington, Squire Warren Dunn, Fannie
 Galsby, Susan Daniels, Anderson Turk, David Lane, Fella McDaniel,
 Henderson Jones, Della Vann, Levi Street, John Chapter, Martha
 Thompson, Ellen Shoppard and Lola Halton, as Cherokee citizens
 by intermarriage.

The decision, together with the record of proceedings
 had in the case, has this day been transmitted to the Secretary
 of the Interior for his review and decision. The copies of the

RECEIVED BY THE OFFICE OF THE SECRETARY OF THE ARMY
WASHINGTON, D. C.

SIGNED, *James H. H. H.*

DATE, 1914

COPY.

Cherokee Freedmen
B-423.

Muskogee, Indian Territory, January 24, 1906.

Alex Johnson,

Leapah, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated January 19, 1906, rejecting, among others, the application for your enrollment as a Cherokee citizen by intermarriage. A copy of the Commission's decision has this day been forwarded to your attorney, Edgar Smith, Vinita, Indian Territory.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Encl. L-56.

Register.

(SIGNED)

Tama Bixby,

Chairman.

COPY.

Charles Freeman
P-2025 et al.

Waskagoo, Indian Territory, January 24, 1908.

Edgar Smith,

Attorney for Jane Bean et al.,

Vinita, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated January 18, 1908, rejecting, among others, the applications for the enrollment of Jane Bean, Albert F. Thomas, Melvina Alberty, Alexander Claggett, Amanda Martin, Maud Manley, Katie Davis, Charles Williams, John J. Rice, Alex Johnson, Charles G. Smith, Essie Gilbert, William Higgs, Susie Johnson, Alfred P. Hopkins, Elsie Vann, Freddie Lacey, Lucy Chentons, Mahalay Ward, Millie Robinson, Frances Martin, Mary Riley, Samuel Irven, Sadie Adams, Georganna Archer, John Claggett, Mattie Smith, Jack Jackson, Ida Adair, Robert Brown, Isaac Jones, Alice Hunter, Katie Adair, Susan Daniels, and Levi Street as Cherokee citizens by intermarriage.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Tatne Bixby.

Chairman.

Encl. 1-122.
Register.

COPY.

Cherokee President
3-14 of ch.

Paskego, Indian Territory, January 24, 1905.

The Honorable

The Secretary of the Interior.

Sir:

There is herewith transmitted record of proceedings had in the matter of the applications for the enrollment of, William Davis, Henry Thomas, Ella Vann, Mary Mathews, Frances Walton, John Deaton, Mary Jane Vann, Thomas Lowe, Ella Hayfield, Nellie Rider, Reuben Campbell, Van Jackson Luther, Cassie Hilditch, Lary Hardin, Nellie Siglis, John Kinbo, William S. Madden, Jane Dean, Albert F. Thomas, Mary Campbell, Caroline Daniels, Melvina Alberty, Jave Morris, Alexander Claggett, Amanda Martin, Eliza Martin, John F. Backus, Bell Davis, Samuel Brown, Edward F. Watson, Jack McConnell, Maudie Hanley, George Reed, Sr., Buck Latham, Bell Thompson, Lewis Scott, the Scotts, Rander Lupton, Thomas E. Allen, Louis Vanderford, John L. Bowlin, Nellie Davis, Charles Williams, John J. Moore, Jane Martin, Lena Peterson, Alex Johnson, Martha Vann, John Scott, Nancy Moss, Charles C. Smith, Sula Galloway, William Skaggs, Susie Johnson, Alfred P. Hopkins, Elsie Vann, Freddie Leoney, Lucy Chautau, Alice Durant, Mahaley Ford, Fred J. Thomas, Pettie Beck, Ella Warren, Millie Robinson, Mary, Walter,

Frances Martin, Mary Riley, Emanuel Taylor, Henry Stokes, Bertha F.
Powell, Stephen Lane, Malinda Vann, Frances Schenck, Annie Foster,
Mary E. Rogers, George Washington Lane, John Brown, Samuel L. Young,
John Buckner, Willis Cox, Leonard Bewles, Malinda Maxwell, Charles
Maggett, Samuel Irvin, Mary Ross, Maggie Hays, Susan Hays, Ella
Ross, Elizabeth Jones, Edie Adams, Georgianna Archer, John Clongett,
Mattie Smith, Jack Jackson, Lula Sanders, George Macalester, Linnie
West, Maria French, Mary Johnson, Maggie Vann, William Hinson, Susan
Rogers, Abraham Ballard, Laura Davis, John Dockman, James B. Parry,
Isaac Welch, Landon Logan, George Howell, Henry Hester, George
Miami, Annie Thomas, Louis McConelli, Callie Vann, Lou Peters,
Ida Adair, Robert Brown, Allie Chambers, Emma Jones, Alice Ouster,
Katie Adair, Carrie Martin, Benjamin Clark, Edly Deane, John
Groves, Malinda McVair, Bettie Vann, Nelson Latt, Fannie Rogers,
William Washington, Squirt Warren Owens, Jennie Wellesley, Susan
Daniels, Anderson Turk, David Lane, Felix McQuinn, William
Jones, Bella Vann, Levi Stroud, John Supter, Maria Thompson,
Ellen Sheppard and Julia Holton, as Cherokee citizens by inter-
marriage, including the Commission's decision dated January 12,
1905, rejecting said applications.

Respectfully,

(SIGNED) *Tame Bixby*
Chairman,

Incl. F-8.
Through the
Commissioner of Indian Affairs.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,

Refer in reply
to the following:
Lead.
7900-1906.

WASHINGTON, March 20, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

I enclose a report from the Commission to the Five Civilized Tribes, dated January 24, 1906, transmitting the record of the application for enrollment as Cherokee citizens by intermarriage to Cherokee freedmen by William Davis, Henry Thomas, Ella Vann, Mary Martham, Frances Melton, John Betson, Mary Jane Vann, Thomas Lowe, Ella Mayfield, Sallie Rider, Reuben Campbell, Van Jackson Luther, Cassie Middleton, Mary Harlin, Nellie Fields, Jack Kinke, William S. Madden, Jane Bean, Albert T. Thomas, Mary Campbell, Caroline Daniels, Melvina Alberty, Dave Morris, Alexander Glaggett, Ananda Martin, Eliza Martin, John H. Barnes, Bell Davis, Samuel Brown, Howard F. Watson, Jack McConnell, Maudie Munday, George Reed, Sr., Jack Lohman, Bell Thompson, Louis Scott, Abe Scott, Kender Lupton, Thomas H. Allen, Lewis Vanderford, John L. Devlin, Katie Davis, Charles Williams, John J. Ross, Jane Martin, Lena Peterson, Alex Johnson, Martha Vann, John Scott, Henry Ross, Charles C. Smith, Susie Colbert, William Shaggs, Susie Johnson,

Alfred P. Hopkins, Elsie Vann, Freddie Leoney, Lucy Chouteau, Alice Durant, Mahaley Ward, Fred D. Thomas, Bettie Beck, Ellis Warren, Millie Robinson, Mary Webber, Frances Martin, Mary Riley, Emanuel Tayler, Henry Sykes, Larkin P. Powell, Stephen Dunn, Malinda Vann, Frances Johnson, Annie Foster, Mary E. Rogers, George Washington Lane, Jane Brown, Samuel L. Young, John Buckner, Willie Cox, Leonard Davis, Malinda Warrell, Charles Claggett, Samuel Irvon, Mary Ross, Maggie News, Ella Ross, Elizabeth Duncan, Sadie Adams, Georgeann Archer, John Claggett, Mattie Smith, Jack Jackson, Lula Sanders, George Hazelrig, Lizzie West, Maria French, Mary Johnson, Maggie Vann, William Hudson, Sarah Rogers, Abraham Ballard, Laura David, John Deckman, James B. Perry, Isaac Welch, Lawson Logan, George Howell, Henry Masir, George Adams, Annie Thomas, Lewis McConnell, Callie Vann, Lou Peters, Ida Adair, Robert Brown, Allie Chambers, Isaac Jones, Alice Gunter, Katie Adair, Carrie Martin, Benjamin Clark, Emily Leoney, John Groves, Matilda McHair, Bettie Vann, Nelson Lett, Fannie Rogers, William Washington, Squire Warren Owens, Fannie Galsky, Susan Daniels, Anderson Park, David Lane, Felix McLain, Henderson Jones, Belle Vann, Levi Stroud, John Hunter, Mariah Thompson, Ellen Sheppard, and Lula Melton.

January 19, 1906, the Commission decided adversely to all the applicants.

The record shows that none of the applicants makes claim to enrollment as citizens of the Cherokee Nation, except by intermarriage with a Cherokee Freedman; that none has ever been

enrolled or admitted to citizenship by any tribal authority of the Cherokee Nation or by any United States tribunal and that none is identified on the 1898 authenticated Cherokee roll.

In view of the record and of the ruling of the Department of November 12, 1904, (I. T. D. 2342-1904) in the Lemuel Welcome case, the approval of the Commission's decision adverse to all the applicants is recommended.

Very respectfully,

G. F. Larrabee,

Acting Commissioner.

M.M.M.
W.

(C O P Y)

D. C. 20877-1905
I.T. D. 2904-1905

V C F
P H R

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

L R S

April 17, 1905

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

January 24, 1905, you transmitted the record in the matter of the applications for the enrollment of the following persons as citizens by intermarriage of the Cherokee Nation, including your decision of January 19, 1905, rejecting said applications, viz:

William Davis, Henry Thomas, Ella Vann, Mary Markham, Frances Melton, John Dotson, Mary Jane Vann, Thomas Lowe, Ella Mayfield, Sallie Rider, Reuben Campbell, Van Jackson Luther, Cassie Middleton, Mary Harlin, Nellie Fields, John Kinbe, William S. Madden, Jane Beany Albert T. Thomas, Mary Campbell, Caroline Daniels, Melvina Alberty, Dave Morris, Alexander Claggett, Amanda Martin, Eliza Martin, John E. Barnes, Bell Davis, Samuel Brown, Howard F. Watson, Jack Mc Connell Maude Manley, George Reed, Sr., Buck Ledman, Bell Thompson, Lewis Scott, Abe Scott, Kender Lampton, Thomas E. Allen, Lewis Vanderford, John L. Bowlin, Katie Davis, Charles Williams, John J. Rose, Jane Martin, Lena Peterson, Alex Johnson, Martha Vann,

John Scott, Nancy Reas, Charles C. Smith, Susie Colbert,
William Skaggs, Susie Johnson, Alfred P. Hopkins, Kizzie Vann,
Freddie Leoney, Lucy Shouteau, Alice Burant, Mahaley ward,
Fred D. Thomas, Bettie Beck, Ellis Warren, Millie Robinson,
Mary Webber, Frances Martin, Mary Riley, Emanuel Taylor, Henry
Sykes, Larkin P. Powell, Stepney Dawn, Malinda Vann, Frances
Johnson, Annie Pester, Mary H. Rogers, George Washington Lane,
Jane Brown, Samuel L. Young, John Buckner, Willis Cox, Leonard
Bowles, Malinda Murrell, Charles Claggett, Samuel Irven, Mary
Ross, Maggie Nave, Neoma Nave, Ella Ross, Elizabeth Duncan,
Sadie Adams, Georgeann Archer, John Claggett, Mattie Smith,
Jack Jackson, Lula Sanders, George Hazelrig, Lizzie West,
Maria French, Mary Johnson, Maggie Vann, William Hudson,
Sarah Rogers, Abraham Ballard, Laura David, John Deckman,
James B. Perry, Isaac Welch, Lawson Logan, George Howell,,
Henry Masir, George Adams, Annie Thomas, Lewis McConnell,
Callie Vann, Lou Peters, Ida Adair, Robert Brown, Allie Chambers,
Isom Jones, Alice Gunter, Katie Adair, Carrie Martin, Benjamin
Clark, Emily Looney, John Groves, Matilda McMair, Bettie Vann,
Nelson Lett, Fannie Rogers, William Washington, Squire Warren
Owens, Fannie Goldsby Susan Daniels, Anderson Turk, David Lane,
Felix McClain, Henderson Jones, Belle Vann, Levi Stroud, John
Sumpter, Mariah Thompson, Ellen Sheppard and Lula Walton.

Reporting in the matter March 21, 1900, the Indian Office recommends that your decision be approved. A copy of its letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

Respectfully,

(Signed) THOMAS M. BRYAN
Acting Secretary

1 inclosure

COPY.

Cherokee Freedmen

D-493.

Muskogee, Indian Territory, April 28, 1906.

Alex Johnson,

Lenapeh, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated January 19, 1906, rejecting your application for enrollment as a Cherokee citizen by intermarriage, was affirmed by the Secretary of the Interior on April 17, 1906.

Respectfully,

(Signed) *Tams Bixby.*
Chairman.

COPY.

Cherokee Freedmen

D-493.

Muskogee, Indian Territory, April 23, 1906.

Edgar Smith,

Attorney for Aleck Johnson,

Winita, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated January 19, 1905, rejecting the application for the enrollment of Aleck Johnson as a Cherokee citizen by intermarriage, was affirmed by the Secretary of the Interior on April 17, 1906.

Respectfully,

SIGNED, *Tamm Dixby*
Chairman.

COPY.

Charles H. H. H.

W-4, et al.

Washington, Indian Territory, April 20, 1908

Mail, Hastings & Newport,

Attorneys for the Cherokee Nation.

Washington, Indian Territory.

Gentlemen:

You are hereby advised that the Commission's decision dated January 17, 1908, rejecting the applications for the enrollment of William Davis, et al., as Cherokee citizens by intermarriage, was affirmed by the Secretary of the Interior on April 17, 1908.

Respectfully,

SIGNED: James Dixby
Chairman

COPY.

Cherokee Freedmen

B-14, et al.

Wahlequah, Indian Territory, April 28, 1905.

Commissioner in Charge,

Cherokee Land Office,

Wahlequah, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated January 19, 1905, rejecting the applications for the enrollment of William Davis, et al., as Cherokee citizens by intermarriage, was affirmed by the Secretary of the Interior on April 17, 1905.

Respectfully,

(SIGNED) *Tams Bixby*
Chairman.

493
F. D.

INDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the with-
in notice on

by delivering a true copy thereof on the
DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

Given under my hand and seal
day of Apr 26 1902.

Marshal for the Cherokee Nation.
ACTING CHAIRMAN.

I, the undersigned attorney for the
within named applicant, hereby accept
service of the within notice on this the

day of , 190.

Attorney for applicant.

UNITED STATES OF AMERICA, }
INDIAN TERRITORY, } S. S.
NORTHERN DISTRICT.

I do solemnly swear that I delivered a

true copy of the within notice to

Mariah Johnson
on the 26 day of Apr A. D. 1902

Ed A Wyckoff
Subscribed and sworn to before me

this 26 day of Apr 1902

W. E. Twichell

My Commission expires Sept. 18th, 1904 Notary Public.

NOTICE!

IN THE MATTER OF the application of Mariah Johnson,
for enrollment as Cherokee Freedmen:

Case No. F. D. 495.

To Mariah Johnson, Muskogee, I. T.:

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman at the office of the United States Commission to the Five Civilized Tribes in the town of Muskogee, I. T. Indian Territory, on April 28th, 1902, at 8 o'clock A. M. or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this April 24, 1902.

L B Bell

N. N. Haspinger
Jas. Davenport
Attorneys for the Cherokee Nation.

MARRIAGE LICENSE.

CHEROKEE NATION, Seeweeecowee District.

To any Person Legally Authorized, Greeting:

You are hereby authorized to join in the Holy Bonds of Matrimony and celebrate the rites and ceremonies of Marriage between Mr. Alex Johnson,
 a citizen of the United States, and Miss Maria Johnson, nee Bell
 a citizen of the Cherokee Nation, and you are required to return this License to me for record within thirty days from the celebration of such Marriage, with a certificate of the same appended thereto and signed by you. Revs. J.S. Smith

Given under my hand and seal of office, this the 27th
 day of November, 1894 WM.

Joe M. LaHayClerk Seeweeecowee District

By Fred McDaniel,
 Depty Clerk.

(SEAL)

Record on page 52 Book E. Record of Marriages, Seeweeecowee
 District, C.N.

Joe M. LaHay, Clerk,
Seeweeecowee District,
 By Fred McDaniel, Dep. Clk.

DEPARTMENT OF THE INTERIOR,
 COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskegee, I. T., Nov 21, 1902.

a Stenographer to the Commission to the Five Civilized Tribes
 I, the undersigned, do hereby certify that the above and foregoing is a true and correct copy of the original offered in evidence in the matter of the application for enrollment of

Alex Johnson, et. al. as citizen of the Cherokee Nation.

C. L. McDaniel

DEPARTMENT OF THE INT
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
JUN 3 1901



ACTING CHAIRMAN

Handwritten notes:
21.
5.9.11
1901

CHEROKEE NATION, IND. TER.
COOWESCOOWEE DISTRICT.

Whereas

Alex Johnson has petitioned this
office for a Permit to ship Prairie Hay beyond the limits of the Cherokee Nation.

Now Therefore, I, Joe. M. LaHay Clerk of Coowescoowee District, Cherokee Nation, by virtue of the author-
ity in me vested, by law, authorize and permit, the said *Alex Johnson*
citizen of the Cherokee Nation, to ship, transport, or carry beyond the limits of the Cherokee Nation, Prairie Hay
out in said District in the year 189*6*. The said *Alex Johnson* being
subject to and required to comply with all the conditions of Sections 374 and 375, Article XXXVI, Chapter IV,
Pages 205 and 208, of the Compiled Laws of the Cherokee Nation of 1892.

In Witness Whereof, I hereunto set my hand and affix the seal of this
office on this the *15* day of *Jan* 189*6*

Joe M LaHay
Clerk of Coowescoowee District, Cherokee Nation.

By

Fred M. Darius
Deputy Clerk Coowescoowee District.

2

75473

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
JUN 8 1901

52

Manning

RECORDS OF THE COMMISSION

DOUGLASS COUNTY DISTRICT, C. T.

W. E. Lachar

RESOURCES DISTRICT

W. E. Manning

Book

6

1901-1902

DEPARTMENT OF THE INTERIOR
MISSION TO THE FIVE CIVILIZED TRIBES
JUL 1 1891

D.

7. 4/3

Recordal

Book

RECORD OF IMPROVEMENTS OF

Coowosseowee District, C. M.

1891
No. 16 Lakay

RECORDED DISTRICT

By J. M. Hancock

POOR ORIGINAL -
BEST AVAILABLE COPY

Marriage License.

CHEROKEE NATION, COOWEESCOOWEE. DISTRICT.

TO ANY PERSON LEGALLY AUTHORIZED GREETING:

You are hereby authorized to join in the Holy Bonds of Matrimony and celebrate the rites and ceremonies of marriage between Mr. Alex. Johnson a citizen of the United States and Miss Mary Johnson of the Cherokee Nation and are required to return this License to me for record within thirty days from the celebration of such marriage, with a certificate of the same appended thereto and signed by you.

Pero J. S. Smith

Given under my hand and Seal of office, this the 27 day of

November 1894

Gov. M. S. Hay

COOWEESCOOWEE.

Clerk By J. A. McCall District.

W. J. Smith

POOR ORIGINAL -
BEST AVAILABLE COPY

AFFIDAVIT.

UNITED STATES OF AMERICA, }
INDIAN TERRITORY, } ss
NORTHERN DISTRICT.

In the matter of the application of Alec

Johnson for enrollment as a Cherokee Freedman.

No. F. D. 493

Henry Pack, of lawful age, being duly sworn on oath states that on the 18 day of September, A. D., 1901, he registered to Alec Johnson whose postoffice is Lenape

Indian Territory, a notice, a true copy of which is attached to this affidavit, and he hereto attaches the receipt of the Postmaster at Fort Gibson Indian Territory; and that on the 23 day of September, 1901, he received the return card which is hereto attached, signed by the said Alec Johnson, showing that he had received said notice.

Henry Pack
Subscribed and sworn to before me on this the 23 day of Sept, A. D. 1901.

J. C. Starr
Notary Public.

MY COMMISSION EXPIRES

MAY 26th. 1902

①

No 493

INDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the with-
in notice on.....

by delivering a true copy thereof on the
..... day of..... A. D. 1901

Given under my hand this
day of A. D. 1901.

Marshal for the Cherokee Nation.

I, the undersigned attorney for the
within named applicant hereby accept
service of the within notice on this the
..... day of....., 1901.

Attorney for applicant.

UNITED STATES OF AMERICA, }
INDIAN TERRITORY, } s. s.
NORTHERN DISTRICT.

I do solemnly swear that I delivered a
true copy of the within notice to.....

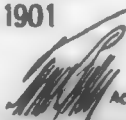
on the day of A.D. 1901

Subscribed and sworn to before me
this day of A.D. 1901.

Notary Public.
DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
SEP 23 1901

 ACTING CHAIRMAN

NOTICE!

IN THE MATTER OF the application of ~~Alec Johnson~~
for enrollment as a Cherokee citizen:

Case No. D ~~493~~

To ~~Alec Johnson~~ ~~Lenapeh~~ ~~I. T.~~

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee citizen at the office of the United States Commission to the Five Civilized Tribes in the town of Vinita, Indian Territory. Indian Territory, on Oct. 2 7th at 8 o'clock A. M. or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission on the respective days above named, for the taking of testimony both for and against applicants for enrollment as Cherokee citizens.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this 17 1901

L B Bell
W. W. Hastings
Attorneys for the Cherokee Nation.

Department of the Interior,

Commission to the Five Civilized Tribes.

In the matter of the application for enrollment of William Davis, et al., as citizens by inter-marriage of the Cherokee Nation, consolidating the applications of:

| | |
|---------------------|--------------------------|
| William Davis, | Cherokee Freedmen D—14, |
| Henry Thomas, | Cherokee Freedmen D—38, |
| Ella Vann, | Cherokee Freedmen D—70, |
| Mary Markham, | Cherokee Freedmen D—100, |
| Frances Melton, | Cherokee Freedmen D—110, |
| John Dotson, | Cherokee Freedmen D—111, |
| Mary Jane Vann, | Cherokee Freedmen D—115, |
| Thomas Lowe, | Cherokee Freedmen D—119, |
| Ella Mayfield, | Cherokee Freedmen D—124, |
| Sallie Rider, | Cherokee Freedmen D—147, |
| Reuben Campbell, | Cherokee Freedmen D—167, |
| Van Jackson Luther, | Cherokee Freedmen D—174, |
| Cassie Middleton, | Cherokee Freedmen D—178, |
| Mary Hartin, | Cherokee Freedmen D—179, |
| Nellie Fields, | Cherokee Freedmen D—188, |
| John Kimbo, | Cherokee Freedmen D—193, |
| William S. Madden, | Cherokee Freedmen D—199, |
| Jane Bean, | Cherokee Freedmen D—206, |
| Albert T. Thomas, | Cherokee Freedmen D—245, |
| Mary Campbell, | Cherokee Freedmen D—249, |
| Caroline Daniels, | Cherokee Freedmen D—253, |
| Melvina Alberty, | Cherokee Freedmen D—261, |
| Dave Morris, | Cherokee Freedmen D—266, |
| Alexander Claggett, | Cherokee Freedmen D—306, |
| Amanda Martin, | Cherokee Freedmen D—304, |
| Ella Martin, | Cherokee Freedmen D—317, |
| John E. Barnes, | Cherokee Freedmen D—318, |
| Bell Davis, | Cherokee Freedmen D—333, |
| Samuel Brown, | Cherokee Freedmen D—345, |
| Howard F. Watson, | Cherokee Freedmen D—347, |
| Jack McConnell, | Cherokee Freedmen D—349, |
| Maude Manley, | Cherokee Freedmen D—353, |

George Reed, Sr.,
 Buck Ledner,
 Bill Thompson,
 Lewis Scott,
 Alvin Scott,
 Kester Langley,
 Thomas E. Allen,
 Lewis Vanderford,
 John L. Bowlin,
 Katie Davis,
 Charles Williams,
 John J. Rose,
 Jace Martin,
 Lina Paterson,
 Alex Johnson,
 Martha Vann,
 John Scott,
 Nancy Rose,
 Charles C. Smith,
 Susie Colbeck,
 William Shaggs,
 Susie Johnson,
 Alfred P. Hopkins,
 Kinnie Vann,
 Freddie Looney,
 Lucy Chouteau,
 Alice Durant,
 Mahaley Ward,
 Fred D. Thomas,
 Bettie Beck,
 Elsie Warren,
 Lottie Robinson,
 Mary Wobben,
 Frances Martin,
 Mary Wiley,
 Edmund Taylor,
 Henry Sykes,
 Larkin P. Powell,
 Stepmay Down,
 Malinda Vann,
 Frances Johnson,
 Annie Foster,
 Mary H. Rogers,
 George Washington Lane,
 Jane Brown,

Cherokee Freedmen D-388,
 Cherokee Freedmen D-406,
 Cherokee Freedmen D-411,
 Cherokee Freedmen D-430,
 Cherokee Freedmen D-431,
 Cherokee Freedmen D-433,
 Cherokee Freedmen D-434,
 Cherokee Freedmen D-439,
 Cherokee Freedmen D-444,
 Cherokee Freedmen D-453,
 Cherokee Freedmen D-473,
 Cherokee Freedmen D-474,
 Cherokee Freedmen D-480,
 Cherokee Freedmen D-480,
 Cherokee Freedmen D-480,
 Cherokee Freedmen D-480,
 Cherokee Freedmen D-501,
 Cherokee Freedmen D-512,
 Cherokee Freedmen D-514,
 Cherokee Freedmen D-520,
 Cherokee Freedmen D-545,
 Cherokee Freedmen D-548,
 Cherokee Freedmen D-550,
 Cherokee Freedmen D-552,
 Cherokee Freedmen D-572,
 Cherokee Freedmen D-584,
 Cherokee Freedmen D-585,
 Cherokee Freedmen D-590,
 Cherokee Freedmen D-590,
 Cherokee Freedmen D-597,
 Cherokee Freedmen D-574,
 Cherokee Freedmen D-591,
 Cherokee Freedmen D-592,
 Cherokee Freedmen D-596,
 Cherokee Freedmen D-599,
 Cherokee Freedmen D-722,
 Cherokee Freedmen D-725,
 Cherokee Freedmen D-736,
 Cherokee Freedmen D-741,
 Cherokee Freedmen D-749,
 Cherokee Freedmen D-748,
 Cherokee Freedmen D-752,
 Cherokee Freedmen D-758,
 Cherokee Freedmen D-760,

Samuel L. Young,
 John H. Hester,
 Willie Gonyea,
 Lathard Bowlin,
 Malinda Marshall,
 Charles Claggett,
 Samuel Irwin,
 Mary Ebes,
 Maggie Navey,
 Neumath Navey,
 Bill Roberts,
 Elizabeth Dabney,
 Shelle Adams,
 Georgina Archer,
 John Claggett,
 Hattie Smith,
 Jack Johnson,
 Lela S. Johnson,
 George Hamlett,
 Lattie West,
 Maria French,
 Mary Johnson,
 Maggie Vann,
 William Hudson,
 Sarah Rogers,
 Abraham Ballard,
 Laura David,
 John Decker,
 James R. Perry,
 Isaac Welch,
 James Logan,
 George Howell,
 Henry Mack,
 George Adams,
 Annie Thomas,
 Louis McConnell,
 Ollie Vann,
 Len Paton,
 Ida Adair,
 Robert Brown,
 Alice Chambers,
 Isaac Jones,
 Alice Gunter,
 Katie Adair,
 Carrie Martin,

Cherokee Freedmen D-741,
 Cherokee Freedmen D-780,
 Cherokee Freedmen D-782,
 Cherokee Freedmen D-787,
 Cherokee Freedmen D-788,
 Cherokee Freedmen D-789,
 Cherokee Freedmen D-799,
 Cherokee Freedmen D-826,
 Cherokee Freedmen D-816,
 Cherokee Freedmen D-840,
 Cherokee Freedmen D-872,
 Cherokee Freedmen D-880,
 Cherokee Freedmen D-891,
 Cherokee Freedmen D-912,
 Cherokee Freedmen D-922,
 Cherokee Freedmen D-930,
 Cherokee Freedmen D-978,
 Cherokee Freedmen D-990,
 Cherokee Freedmen D-1010,
 Cherokee Freedmen D-1030,
 Cherokee Freedmen D-1062,
 Cherokee Freedmen D-1087,
 Cherokee Freedmen D-1078,
 Cherokee Freedmen D-1082,
 Cherokee Freedmen D-1085,
 Cherokee Freedmen D-1105,
 Cherokee Freedmen R-39,
 Cherokee Freedmen R-45,
 Cherokee Freedmen R-48,
 Cherokee Freedmen R-50,
 Cherokee Freedmen R-72,
 Cherokee Freedmen R-82,
 Cherokee Freedmen R-83,
 Cherokee Freedmen R-86,
 Cherokee Freedmen R-94,
 Cherokee Freedmen R-96,
 Cherokee Freedmen R-99,
 Cherokee Freedmen R-100,
 Cherokee Freedmen R-102,
 Cherokee Freedmen R-104,
 Cherokee Freedmen R-105,
 Cherokee Freedmen R-106,
 Cherokee Freedmen R-107,

Benjamin (Stallings) (Cherokee Freedman)
 Emily Looney (Cherokee Freedman)
 John Groves (Cherokee Freedman)
 Matilda (Stallings) (Cherokee Freedman)
 Willie Vann (Cherokee Freedman)
 Nelson Lett (Cherokee Freedman)
 Fannie Rogers (Cherokee Freedman)
 William Washington (Cherokee Freedman)
 Squire Warren Owens (Cherokee Freedman)
 Fannie Goldsby (Cherokee Freedman)
 Sarah Daniels (Cherokee Freedman)
 Anderson Turk (Cherokee Freedman)
 David Isaac (Cherokee Freedman)
 John McChine (Cherokee Freedman)
 Henderson Jones (Cherokee Freedman)
 Belle Vann (Cherokee Freedman)
 Levi Stroud (Cherokee Freedman)
 John Sumpter (Cherokee Freedman)
 Mariah Thompson (Cherokee Freedman)
 Ellen Sheppard (Cherokee Freedman)
 Lula Melton (Cherokee Freedman)

Cherokee Freedman No. 1111
 Cherokee Freedman No. 1112
 Cherokee Freedman No. 1113
 Cherokee Freedman No. 1114
 Cherokee Freedman No. 1115
 Cherokee Freedman No. 1116
 Cherokee Freedman No. 1117
 Cherokee Freedman No. 1118
 Cherokee Freedman No. 1119
 Cherokee Freedman No. 1120
 Cherokee Freedman No. 1121
 Cherokee Freedman No. 1122
 Cherokee Freedman No. 1123
 Cherokee Freedman No. 1124
 Cherokee Freedman No. 1125
 Cherokee Freedman No. 1126
 Cherokee Freedman No. 1127
 Cherokee Freedman No. 1128
 Cherokee Freedman No. 1129
 Cherokee Freedman No. 1130

DECISION.

It appears from the record herein that applications for enrollment as Cherokee citizens by inter-marriage, were made to the Commission by William Davis for himself; by Hannah Thomas for her husband, Henry Thomas; by Ella Vann for his wife, Ella Vann; by Sig Markham for his wife, Mary Markham; by Nathan Melton for his wife, Frances Melton; by Mary Dotson for her husband, John Dotson; by George W. Vann for his wife, Mary Jane Vann; by Thomas Lowe for himself; by Thomas Mayfield for his wife, Ella Mayfield; by James Elder for his wife, Sallie Elder; by Jonathan Campbell for himself; by Van Jackson for his wife, Mary; by Tobe Middleton for his wife, Sarah Middleton; by Thomas Harlin for his wife, Mary Harlin; by John Fields for his wife, Sallie Fields; by John Kimbo for himself; by William W. Madder for himself; by Tobias Bean for his wife, Jane Bean; by Etta Thomas for her husband, Henry T. Thomas; by James Campbell for his wife, Mary Campbell; by Frank Daniels for his wife, Caroline Daniels; by Jim Alberty for his daughter, Melvina Alberty; by Sarah Morris for her husband, Dave Morris; by Jane Claggett for her husband, Alexander Claggett; by Payton Martin for his wife, Amanda Martin; by Charles Martin for his wife, Ellen Martin; by John E. Brown for himself; by Joe Davis for his wife, Bell Davis; by Ellen Brown for her husband, Samuel Brown; by Mary Ann Watson for her husband, Howard A. Watson; by Jack McConnell for himself; by Maude Maude for herself; by George Reed, Sr. for himself; by Buck Ledman for himself; by Ben Thompson for herself; by Lewis Scott for himself; by Abe Scott for himself.

Theresa; by Kader Thompson for himself; by Thomas E. Allen for himself; by Louis Valderford for himself; by Elizabeth Bowlin for her husband, John L. Bowlin; by John D. Davis for his wife, Katie Davis; by Charles Williams for himself; by John J. Rose for himself; by David Martin for his wife, Jane Martin; by Fred Peterson for his wife, Lena Peterson; by Martha Johnson for her husband, Sam Johnson; by Joseph Vann for his wife, Martha Vann; by John Hunt for himself; by Steve Looney for Nancy Ross; by Charles C. Smith for himself; by James Colbert for his wife, Susie Colbert; by Rosanna Skaggs for her husband, William Skaggs; by Susie Johnson for herself; by Alfred P. Hopkins for himself; by Charles Vann for his wife, Kizzie Vann; by Jake Looney for his wife, Fannie Looney; by Lucy Thompson for herself; by Allen Dumas for herself; by Alonso Ward for his wife, Mahaley Ward; by Fred D. Thomas for himself; by Benjamin Beck for his wife, Bettie Beck; by Ellis Warren for himself; by William Henry Robinson for his wife, Millie Robinson; by John W. Brown for his wife, Mary W. Brown; by Otto Martin for his wife, Fannie Martin; by Ed. Brown for his wife, Mary Brown; by Samuel Taylor for himself; by James Stokes for himself; by Larkin P. Powell for himself; by Steppay Dawn for himself; by Ellis Vann for his wife, Malinda Vann; by David Johnson for his wife, Frances Johnson; by Phillip Foster for his wife, Abbie Foster; by Henderson Rogers, Sr. for his wife, Mary H. Rogers; by George Washington Lane for himself; by Silas Hammar Brown for his wife, Jane Brown; by Samuel L. Young for himself; by Lizzie Buckner for her husband, John Buckner; by Sarah Cox for her husband, Willis Cox; by Susan Bowles for her husband, Leonard Bowles; by Henry Murrell for his wife, Melinda Murrell; by Charles Claggett for himself; by Samuel Irwin for himself; by David Beck for his wife, Mary Ross; by George E. Nave for his wife, Maggie Nave; by Lewis Armstrong Nave for his wife, Nanna Nave; by Perry Ross for his wife, Ella Ross; by Elizabeth Duncan for herself; by Perry Adams for his wife, Sadie Adams; by Thomas Archer for his wife, Georgeann Archer; by Nancy Claggett for her husband, John Claggett; by Sonny Sasser for his wife, Hattie Sasser; by John Buckner for himself; by John Sanders for his wife, Lela Sanders; by Mary Hamming for her husband, George Hamming; by George West for his wife, Lizzie West; by Maria French for herself; by Mary Johnson for herself; by Maggie Vann for herself; by William Hudson for himself; by Sarah Rogers for herself; by Abraham Bennett for himself; by King David for his wife, Laura David; by John Deckman for himself; by James B. Pender for himself; by James Welch for himself; by Nancy Leggett for her husband, Lawson Logan; by Maria Howell for her husband, George Howell; by Amanda Masir for her husband, Henry Masir; by Katie Adams for her husband, George Adams; by Willie Thomas for his wife, Anna Thomas; by Lewis Middleton for himself; by John Vann for his wife, Ollie Vann; by Lou Estreban Kerrell; by Robert Adair for his wife, Lela Adair; by John Brown for his husband, Robert Brown; by Mat Chambers for his wife, Allie Chambers; by Rachel Jones for her husband, Icom Jones; by Lewis Gunter for his wife, Alice Gunter; by Amos Adair for his wife, Katie Adair; by William H. Martin for his wife, Carrie Martin; by Benjamin Clark for himself; by Emily Looney for herself; by Mary George for her husband, John Groves; by Bittie McNeil for his wife, Matilda McNeil; by Bettie Vann for herself; by Nelson Lett for himself; by Allen Rogers for his wife, Fannie Rogers; by William Washington for himself; by Squire Warren Owens for himself; by Fannie Goldsby for herself; by Charles Daniels for his wife, Sarah Daniels; by Rachel Turk for her husband, Anderson Turk; by David Hunt for himself; by John McChine for himself; by Henderson Jones for himself; by Isaac Vann for his wife, Belle Vann; by Maggie Stroud for her husband, Levi Stroud; by John Sumpter for himself; by Mariah Thompson for herself; by Ellen Sheppard for herself; and by Lula Melton for herself, claiming their right thereto by virtue of their marriage to Freedmen Cherokee citizens.

The record further shows that none of the applicants herein make any claim to enrollment as members of the Cherokee Nation other than as set forth above.

It further appears from the record herein that at the time applications were made for the enrollment of the above named applicants, application was also made for the enrollment of other applicants as Charles Freedmen, but said applications being differently classified are not included in this decision.

It does not appear that any of the applicants herein are identified upon the 1890 Authenticated Cherokee Roll, nor does it appear that any of said applicants has ever been admitted to Cherokee citizenship by a duly constituted court or committee of the Cherokee Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States District Court for the District of Oklahoma, under the provisions of the Act of Congress approved June 10, 1896, (29 Stat., 531).

It is, therefore, the opinion of this Commission that, following the ruling of the Department in the case of Lemuel Welcome, (I. T. D. 5848-1904, 11,776-1904), the applications made for the enrollment of William Davis, Henry Thomas, Ella Vann, Mary Markham, Frances Melton, John Dotson, Mary Jane Vann, Thomas Lowe, Ella Mayfield, Sallie Rider, Reuben Campbell, Van Jackson, Luther, Cassie Middleton, Mary Harris, Nellie Fields, John Kinney, William D. Maddox, Jane Bean, Albert T. Thomas, Mary Campbell, Caroline Daniels, Melvina Albert, Dave Morris, Alexander Claggett, Amanda Martin, Eliza Martin, John E. Baines, Bell Davis, Samuel Brown, Howard F. Watson, Jack McConnell, Maude Muntz, George Reed, Sr., Buck Ledman, Bert Thompson, Lewis Scott, Abe Scott, Ender Lampton, Thomas E. Allen, Lewis Vanderford, John L. Bowlin, Katie Davis, Charles Williams, John L. Rose, Jane Martin, Lena Peterson, Alex Johnson, Martha Vann, John Scott, Nancy Bean, Charles O. Smith, Susie Gilbert, William Shaggs, Sallie Johnson, Alfred P. Hopkins, Kizzie Vann, Freddie Looney, Lucy Chouteau, Alice Duran, Mahaley Ward, Fred D. Thomas, Bettie Beck, Ella Warren, Millie Robinson, Mary Webber, Frances Martin, Mary Riley, Emanuel Taylor, Henry Sykes, Larkin D. Powell, Stephen Davis, Malinda Vann, Francis Johnson, Annie Foster, Mary H. Rogers, George Washington Lane, Jane Brown, Samuel L. Young, John Buckner, Willie Cox, Leonard Bowles, Malinda Murrell, Charles Claggett, Samuel Ives, Mary Rose, Maggie Nave, Neont Nave, Ella Bean, Elizabeth Dutton, Sadie Adams, Georgeann Archer, John Claggett, Hattie Smith, Jack Jackson, Lena Sanders, George Haring, Lizzie West, Maria French, Mary Johnson, Maggie Vann, William Hudson, Sarah Rogers, Abraham Ballard, Laura David, John Dockman, James B. Perry, Lizzie Welch, Lawson Logan, George Howell, Henry Mack, George Adams, Annie Thomas, Lewis McConnell, Cassie Vann, Lou Peters, Ida Adair, Robert Brown, Annie Chambers, Iqum Jones, Alice Gunter, Katie Adair, Carrie Martin, Benjamin Clark, Emily Looney, John Groves, Matilda McNair, Bettie Vann, Nelson Lett, Fannie Rogers, William Washington,

Squire Warren Owens, Fannie Goldsby, Susan Daniels, Anderson Turk, David Lane, Fella McClain, Handerson Jones, Belle Vann, Levi Strand, John Sampson, Mariah Thompson, Ellen Sheppard and Lena Melton, as Cherokee citizens by intermarriage, should be denied, under the provisions of section twenty-one of the Act of Congress approved June 20, 1898, (30 Stat., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

[SIGNED] TAMS BIXBY, Chairman.
[SIGNED] T. H. NEEDLES, Commissioner.
[SIGNED] C. BRECKINRIDGE, Commissioner.

MUSKOGEE, INDIAN TERRITORY, JANUARY 19, 1905.

No.

J. D. 493

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

JUN 3 1901



ACTING CHAIRMAN.

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date

JUN 3 1901

Post Office

Memph, Tenn.

District

Xero

1. Name Alick Johnson Age 53

Owner's name _____ Citizenship _____

Year _____ Page _____ No. _____ District _____

Parents:

Father Robert Price Citizenship _____

Mother _____ Citizenship _____

2. Name of wife Mariah Johnson Age 31

Owner's name _____ Citizenship _____

Year Wallace Page 105 No. 2248 District Xero

Parents:

Father Samuel Bell Citizenship XeroMother Elizabeth Bell Citizenship "

Names of Children:

3. Herman Johnson Year _____ Page _____ No. _____ Dist. _____4. George Year _____ Page _____ No. _____ Dist. _____5. David Year _____ Page _____ No. _____ Dist. _____6. Alick Year _____ Page _____ No. _____ Dist. _____7. John Year _____ Page _____ No. _____ Dist. _____8. Another Year _____ Page _____ No. _____ Dist. _____

9. _____ Year _____ Page _____ No. _____ Dist. _____

10. _____ Year _____ Page _____ No. _____ Dist. _____

11. _____ Year _____ Page _____ No. _____ Dist. _____

12. _____ Year _____ Page _____ No. _____ Dist. _____

Application made by No 2 Stenographer M. H. Green

No 4 on roll P.
No 7 on Wallace Roll as Maria Bell
3, 4, 5, 6, 7, 8, affidavits of birth to be supplied.

JUN 3 1901 JUN 3 1901 JUN 3 1901 JUN 3 1901 JUN 3 1901 JUN 3 1901

710493

MAR 1962

[Handwritten signature]

RECEIVED

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,
from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

Mr. Aleck Johnson,
Lenapeh, I.T.
Cherokee F-D-493
Register.

TAMS BIXBY,
T. B. NEEDLES,
C. R. BRECKINRIDGE,
Commissioners.

Cher. Fr. R. 641

Trans. from Fr. D. 495

Cher. Fr. R. 641

Claremore, Ind Terry. May 31st. 1901

To whom it may concern:-

This is to certify that I Joe M. LaHay was during the year of 1895, the Clerk of Coowasecooee District, Cherokee Nation and as such Clerk, I performed the marriage ceremony between Joe Vann, a citizen of the Cherokee Nation and Miss Martha Stumms a citizen of the United States. The said Marriage being performed in accordance with the laws of the Cherokee Nation.

The said Marriage ceremony performed by me on the 5th day of April A.D. 1895.

Joe M. La Hay.

Department of the Interior,
Commission to the Five Civilized Tribes.

Muskogee, I. T. July 19, 1902.

I, C.L. Mielenz, a Stenographer to the Commission to the Five Civilized Tribes do hereby certify that the above and foregoing is a true and correct copy of the original offered in evidence in the matter of the application of Martha Vann for enrollment as a Cherokee Freedman by intermarriage, Cherokee Freedman D 495.

C. L. Mielenz

FD 473

RECEIVED
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U.S. DEPT. OF JUSTICE

Department of the Interior,
Commission to the Five Civilized Tribes.
Chalaco, I. T., June 3, 1901.

In the matter of the application of Joseph Vann for the enrollment of himself as a Cherokee Freedman, and for the enrollment of his wife, Martha Vann, as a Cherokee Freedman by intermarriage; said Vann being sworn and examined by Commissioner T. B. Hagins, testified as follows:

- Q What is your name? A Joseph Vann.
Q What is your age, Mr. Vann? A 23.
Q What is your postoffice address? A Claremore.
Q What district do you live in? A Coowessawnee.
Q Do you apply to be enrolled as a Cherokee Freedman? A Yes sir.
Q Is your name on the roll of 1880? A I think so.
Q Who do you desire to enroll besides yourself? A My wife; she is an adopted citizen.
Q Any children? A No sir.
Q What is your wife's name? A Martha Vann.
Q How old is she? A 23.
Q What was her name before you married her? A Sims.
Q When were you married? A Married in '95, in April.
Q Have you any certificate of marriage? A Yes sir. (Presents same to Commissioner.)
Q What was your father's name? A Dave Vann.
Q Is he living? A No sir, he is dead.
Q What is your mother's name? A Patsy Vann.
Q She is living? A Yes sir, her name is Downs now.

The 1880 authenticated roll examined and the name of the applicant is found on page 193, No. 3081, Josh Vann, Coowessawnee District.

- Q Your name is Joseph and not Josh? A Yes sir, Joseph.

The 1890 census roll examined and the name of the applicant is found on page 425, No. 670, Joseph Vann, Coowessawnee District.

Applicant's wife not identified on any roll.

- Q Where were you born - in the Cherokee Nation? A Yes sir.
Q You lived here all your life? A Yes sir.
Q You got no children? A No sir.

Joseph Vann applies for the enrollment of himself as a Cherokee Freedman, and his wife, Martha, as a Cherokee Freedman by intermarriage. The applicant is duly identified upon the authenticated roll of 1880 and the census roll of 1890 according to page and number of the roll as indicated in the testimony, and makes satisfactory proof as to residence. He presents a certificate of marriage certifying that he was married according to the laws of the Cherokee Nation to one Miss Martha Sims, a citizen of the United States, on the 5th day of April, 1895; said certificate is filed herewith. Consequently, the said Joseph Vann will be duly listed for enrollment as a Cherokee Freedman. His wife, Martha, will be listed for enrollment as a Cherokee Freedman by intermarriage on a doubtful card.

D. J. V.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a full, true and correct transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 27th day of June, 1901.

E. W. Whaley

[Signature]
Commissioner.

9
7. 2. 495
INDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the with-
in notice on

by delivering a true copy thereof on the
..... day of A. D. 1901.

Given under my hand this.....
day..... A. D. 1901.

.....
Marshal for Cherokee Nation.

I, the undersigned attorney for the
within named applicant hereby accept
service of the within notice on this the
..... day of, 1901.

.....
Attorney for applicant.

UNITED STATES OF AMERICA, }
INDIAN TERRITORY, } s. s.
NORTHERN DISTRICT. }

I do solemnly swear that I delivered a
true copy of the within notice to.....

on the..... day of A.D. 1901

Subscribed and sworn to before me
this..... day of A.D. 1901.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
09, 2 1901


ACTING CHAIRMAN

NOTICE

IN THE MATTER OF The application of Martha Vann
for enrollment as a Cherokee Freedman:

Case No. F. D. 495

To Martha Vann Claremore I. T.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman, at the office of the United States Commission to the Five Civilized Tribes in the town of For' Gibson, I. T. Indian Territory, on the following dates, to-wit: Sept. 23d 8 o'clock A. M. A. D. 1901, during the usual business hours of said Commission on the respective days above named, for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this 13th day of Sept., 1901.

L. B. Bell
W. W. Hastings
J. S. Davenport
Attorneys for the Cherokee Nation.

AFFIDAVIT.

UNITED STATES OF AMERICA, }
INDIAN TERRITORY, } ss
NORTHERN DISTRICT.

In the matter of the application of Martha
Vann for enrollment as a Cherokee Freedman.

No. F. D. 495

Henry Pack, of lawful age, being duly sworn on oath states that on the 14 day of Sept, A. D., 1901, he registered to Martha Vann whose postoffice is Claremore Indian Territory, a notice, a true copy of which is attached to this affidavit, and he hereto attaches the receipt of the Postmaster at J. H. Gibson Indian Territory; and that on the 17 day of Sept, 1901, he received the return card which is hereto attached, signed by the said Martha Vann, showing that he had received said notice.

Henry Pack
Subscribed and sworn to before me on this the 17 day of Sept A. D. 1901.

J. C. Starr
Notary Public.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
JUN 3 1901
F. L. M. D.



-864 B.D.

102

COPY.

Charles Freeman
2-14 et al.

Fortkeos, Indian Territory, January 24, 1905.

The Honorable

The Secretary of the Interior.

Sir:

There is herewith transmitted record of proceedings had in the matter of the applications for the enrollment of, William Davis, Henry Thomas, Ella Vann, Mary Markham, Frances Melton, John Jensen, Mary Jane Vann, Thomas Lowe, Ella Harfield, Nellie Rider, Huben Campbell, Van Jackson Luther, Cassie Middleton, Mary Harlin, Nellie Fields, John Kinbo, William S. Hatten, Jack Bean, Albert T. Thomas, Mary Campbell, Caroline Daniels, Edwina Alberty, Lave Morris, Alexander Clegggett, Amanda Martin, Eliza Martin, John E. Barnes, Bell Davis, Samuel Brown, Howard F. Watson, Jack McConnall, Maudie Manley, George Reed, Sr., Buck Leckner, Bell Thompson, Lewis Scott, Ed Scott, Kemler Lampton, Thomas E. Allen, Lewis Vanderford, John L. Bowlin, Katie Davis, Charles Williams, John J. Ross, Jane Martin, Lena Peterson, Alex Johnson, Martha Vann, John Scott, Nancy Ross, Charles C. Smith, Susie Collier, William Skaggs, Susie Johnson, Alfred P. Hopkins, Klaska Vann, Freddie Leckner, Lavy Chuteau, Alice Durant, Maudie Ward, Fred J. Thomas, Nettie Beck, Ellis Warren, Millie Robinson, Mary Weber,

Frances Martin, Mary Riley, Samuel Taylor, Henry Scher, Nathan P. Powell, Stephen Dawn, Malinda Vann, Frances Johnson, Anna Foster, Mary H. Rogers, George Washington Lane, John Brown, Samuel I. Young, John Buckner, Willis Cox, Leonard Bewles, Malinda Merrill, Charles Claggett, Samuel Irven, Mary Ross, Maggie Hays, Emma Doss, Ella Ross, Elizabeth Duncan, Sadie Adams, Georganna Archer, John Claggett, Mattie Smith, Jack Jackson, Lula Sanders, George Hamblin, Lizzie Vost, Maria French, Mary Johnson, Maggie Vann, William Watson, Mary Rogers, Abraham Ballard, Laura David, John Davidson, James E. Perry, Isaac Welch, Lawson Logan, George Howell, Henry Miller, George Adams, Annie Thomas, Lewis McDonnell, Ollie Vann, Len Foster, Ida Adair, Robert Brown, Allie Chambers, Emma Doss, Alice Hunter, Katie Adair, Carrie Martin, Benjamin Clark, Emily Lecky, John Groves, Matilda McFair, Bettie Vann, Nelson Scott, Fannie Rogers, William Washington, Squire Warren Owens, Fannie Giddens, Susan Daniels, Anderson Turk, David Lane, Felix McClain, Henderson Jones, Belle Vann, Levi Stroud, John Sumpter, Harish Thompson, Ellen Sheppard and Lula Melton, as Cherokee citizens by inter-marriage, including the Commission's decision dated January 17, 1905, rejecting said applications.

Respectfully,

(SIGNED) *Tams Bixby*
Chairman.

Incl. K-6.
Through the
Commissioner of Indian Affairs.

COPY.

Cherokee Freedmen
D-14 et al.

Muskogee, Indian Territory, January 24, 1905.

Bell, Hastings & Davenport,

Attorneys for the Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated January 19, 1905, rejecting the applications for the enrollment of, William Davis, Henry Thomas, Ella Vann, Mary Markham, Frances Melton, John Dotson, Mary Jane Vann, Thomas Lowe, Ella Hayfield, Sallie Rider, Reuben Campbell, Van Jackson Luther, Cassie Middleton, Mary Martin, Nellie Fields, John Kinke, William S. Madden, Jane Bean, Albert T. Thomas, Mary Campbell, Caroline Daniels, Melvina Alberty, Dave Morris, Alexander Shaggett, Amanda Martin, Eliza Martin, John E. Barnes, Bell Davis, Samuel Brown, Howard F. Watson, Jack McConnell, Manda Manley, George Reed, Sr., Buck Ledman, Bell Thompson, Lewis Scott, Abe Scott, Kender Lampton, Thomas E. Allen, Lewis Vanderford, John I. Bowlin, Katie Davis, Charles Williams, John J. Rose, Jane Martin, Lena Peterson, Alex Johnson, Martha Vann, John Scott, Nancy Rose, Charles C. Smith, Susie Colbert, William Skaggs, Susie Johnson, Alfred P. Hopkins, Kizzie Vann, Freddie Leoney, Lucy

-2-

Cheuteau, Alice Durant, Mahaley Ward, Fred D. Thomas, Bettie Smith,
 Ellis Warren, Millie Robinson, Mary Webber, Frances Martin, Mary
 Riley, Emanuel Taylor, Henry Sykes, Larkin P. Powell, Stephen Dunn,
 Malinda Vann, Frances Johnson, Annie Foster, Mary H. Rogers,
 George Washington Lane, Jess Brown, Samuel L. Young, John Buckner,
 Willis Cox, Leonard Bewles, Malinda Marrell, Charles Claggett,
 Samuel Irven, Mary Ross, Maggie Nave, Norma Nave, Ella Ross,
 Elisabeth Duncan, Sadie Adams, Georgeann Archer, John Claggett,
 Hattie Smith, Jack Jackson, Lula Sanders, George Marshall, Lizzie
 West, Maria French, Mary Johnson, Maggie Vann, William Nelson,
 Sarah Rogers, Abraham Ballard, Laura David, John Johnson, James
 E. Perry, Isaac Welch, Lawson Lagan, George Marshall, Henry Smith,
 George Adams, Annie Thomas, Lewis Buchanan, Calista Vann, Lou
 Peters, Ida Adair, Robert Brown, Elsie Chambers, Isaac Jones,
 Allen Sumner, Katie Adair, Carrie Martin, Benjamin Clark, Emily
 Lowmy, John Groves, Matilda Adair, Bettie Vann, Nelson Lane,
 Fannie Rogers, William Washington, Squire Warren Dunn, Fannie
 Goldsby, Susan Daniels, Anderson Turk, David Lane, Edith McCloud,
 Henderson Jones, Belle Vann, Levi Harcus, John Sumpter, Nathan
 Thompson, Ellen Sheppard and Lula Walton, as Cherokee citizens
 by intermarriage.

The decision, together with the record of proceedings
 had in the case, has this day been transmitted to the Secretary
 of the Interior for his review and decision. The action of the

RECEIVED BY THE SECRETARY OF THE ARMY ON THE 10th DAY OF 1914

WASHINGTON, D. C.

(SIGNED)

JAMES BIRNEY

Enc. 1-4

COPY.

Cherokee Freedman
B-295.

Muskogee, Indian Territory, January 24, 1905.

Martha Varn,

Claremore, Indian Territory.

Dear Madam:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated January 19, 1905, rejecting, among others, the application for your enrollment as a Cherokee citizen by intermarriage.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

(SIGNED).

Tarns Bixby.
Chairman.

Encl. L-57.

Register.

DEPARTMENT OF THE INTERIOR,

Refer in reply.
to the following:
Land.
7908-1905.

OFFICE OF INDIAN AFFAIRS,

WASHINGTON, March 20, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

I enclose a report from the Commission to the Five Civilized Tribes, dated January 24, 1905, transmitting the record of the application for enrollment as Cherokee citizens by intermarriage to Cherokee freedmen by William Davis, Henry Thomas, Ella Vann, Mary Markham, Frances Melton, John Dotson, Mary Jane Vann, Thomas Lowe, Ella Mayfield, Sallie Rider, Reuben Campbell, Van Jackson Luther, Cassie Middleton, Mary Harlin, Nellie Fields, John Kimbo, William S. Madden, Jane Bean, Albert T. Thomas, Mary Campbell, Caroline Daniels, Melvina Alberty, Dave Morris, Alexander Claggett, Amanda Martin, Eliza Martin, John E. Barnes, Bell Davis, Samuel Brown, Edward F. Watson, Jack McConnell, Maude Manley, George Reed, Sr., Buck Ledman, Bell Thomas, Lewis Scott, Abe Scott, Kender Lampton, Thomas E. Allen, Lewis Vanderford, John L. Bowlin, Katie Davis, Charles Williams, John J. Rose, Jane Martin, Lena Peterson, Alex Johnson, Martha Vann, John Scott, Nancy Ross, Charles C. Smith, Susie Colbert, William Skaggs, Susie Johnson, Alfred P. Hopkins, Kizzie Vann, Freddie Looney, Lucy Cheuteau,

Alice Durant, Mahaley Ward, Fred D. Thomas, Bettie Beck, Ellis Warren, Millie Robinson, Mary Webber, Frances Martin, Mary Riley, Emanuel Taylor, Henry Sykes, Larkin P. Powell, Stepney Dawn, Malinda Vann, Frances Johnson, Annie Foster, Mary H. Rogers, George Washington Lane, Jane Brown, Samuel L. Young, John Buckner, Willis Cox, Leonard Bowles, Malinda Murrell, Charles Claggett, Samuel Irven, Mary Ross, Maggie Nave, Neoma Nave, Ella Ross, Elizabeth Duncan, Sadie Adams, Georgeann Archer, John Claggett, Hattie Smith, Jack Jackson, Lula Sanders, George Hazelrig, Lizzie West, Maria French, Mary Johnson, Maggie Vann, William Hudson, Sarah Rogers, Abraham Ballard, Laura David, John Deckman, James B. Perry, Isaac Welch, Lawson Logan, George Howell, Henry Masir, George Adams, Annie Thomas, Lewis McConnell, Callie Vann, Lou Peters, Ida Adair, Robert Brown, Allie Chambers, Isom Jones, Alice Gunter, Katie Adair, Carrie Martin, Benjamin Clark, Emily Looney, John Groves, Matilda McNair, Bettie Vann, Nelson Lett, Fannie Rogers, William Washington, Squire Warren Owens, Fannie Goldsby, Susan Daniels, Anderson Turk, David Lane, Felix McClain, Henderson Jones, Belle Vann, Levi Stroud, John Sumpter, Mariah Thompson, Ellen Sheppard, and Lula Melton.

January 19, 1905, the Commission decided adversely to all the applicants.

The record shows that none of the applicants makes claim to enrollment as citizens of the Cherokee Nation, except by intermarriage with a Cherokee Freedman; that none has ever been

enrolled or admitted to citizenship by any tribal authority of the Cherokee Nation or by any United States tribunal and that none is identified on the 1889 authenticated Cherokee roll.

In view of the record and of the ruling of the Department of November 12, 1904 (I. T. D. 5545-1904) in the Lemuel Welcome case, the approval of the Commission's decision adverse to all the applicants is recommended.

Very respectfully,

C. F. Larabee

Acting Commissioner.

M.H.M.

V.

D. C. 20877-1905.

(C O P Y)

W C F
P H E

I.T.D. 2904-1905

L R S

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

April 17, 1905.

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory,
Gentlemen:

January 24, 1905, you transmitted the record in the matter of the applications for the enrollment of the following persons as citizens by intermarriage of the Cherokee Nation, including your decision of January 19, 1905, rejecting said applications, viz:

William Davis, Henry Thomas, Ella Vanna Mary Markham, Frances Melton, John Dotson, Mary Jane Vann, Thomas Lowe, Ella Mayfield, Sallie Rider, Reuben Campbell, Van Jackson Luther, Cassie Middleton, Mary Harlin, Nellie Fields, John Kimbo, William S. Madden, Jane Bean, Albert T. Thomas, Mary Campbell, Caroline Daniela, Melvina Alberty, Dave Morris, Alexander Claggett, Amanda Martin, Eliza Martin, John E. Barnes, Bell Davis, Samuel Brown, Howard F. Watson, Jack McConnell, Maude Manley, George Reed Sr., Buck Ledman, Bell Thompson, Lewis Scott, Abe Scott, Kender Lampton, Thomas E. Allen, Lewis Vanderford, John L. Bowlin, Katie Davis, Charles Williams, John J. Rose, Jane Martin, Lena Peterson, Alex Johnson, Martha Vann,

John Scott, Nancy Ross, Charles C. Smith, Susie Colbert,
William Skaggs, Susie Johnson, Alfred P. Hopkins, Kizzie Vann,
Freddie Lohney, Lucy Chouteau, Alice Durant, Mahaley Ward,
Fred D. Thomas, Bettie Beck, Ellis Warren, Millie Robinson,
Mary Webber, Frances Martin, Mary Riley, Emanuel Taylor Henry
Sykes, Larkin P. Powell, Stepney Dawn, Malinda Vann, Frances
Johnson, Annie Foster, Mary H. Rogers, George Washington Lane,
Jane Brown, Samuel L. Young, John Buckner, Willis Cox, Leonard
Bowles, Malinda Murrell, Charles Claggett, Samuel Irven, Mary
Ross, Maggie Nave, Neoma Nave, Ella Ross, Elizabeth Duncan,
Sadie Adams, Georgeann Archer, John Claggett, Hattie Smith,
Jack Jackson, Lula Sanders, George Hazelrig, Lizzie West,
Maria French, Mary Johnson, Maggie Vann, William Hudson,
Sarah Rogers, Abraham Ballard, Laura David, John Deckman,
James B. Perry, Isaac Welch, Lawson Logan, George Howell,
Henry Masir, George Adams, Annie Thomas, Lewis McConnell,
Callie Vann, Lou Peters, Ida Adair, Robert Brown, Allie Chambers
Isom Jones, Alice Gunter, Katie Adair, Carrie Martin, Benjamin
Clark, Emily Looney, John Groves, Matilda McNair, Bettie Vann,
Nelson Lett, Fannie Rogers, William Washington, Squire Warren
Owens, Fannie Goldsby, Susan Daniels, Anderson Turk, David Lane,
Felix McClain, Henderson Jones, Belle Vann, Levi Stroud, John
Supter, Mariah Thompson, Ellen Sheppard and Lula Melton.

Reporting in the matter March 21, 1905, the Indian Office recommends that your decision be approved. A copy of its letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

Respectfully,

(Signed) THOS RYAN
Acting Secretary.

1 inclosure.

COPY.

Cherokee Freedmen

D-495.

Muskogee, Indian Territory, April 28, 1906.

Martha Vann,

Claremore, Indian Territory.

Dear Madam:

You are hereby advised that the Commission's decision dated January 19, 1905, rejecting your application for enrollment as a Cherokee citizen by intermarriage, was affirmed by the Secretary of the Interior on April 17, 1906.

Respectfully,

(SIGNED).

Tamie Bixby.

Chairman.

COPY.

Charles Freeman

2-14, 05 M.

Mustagee, Indian Territory, April 20, 1908

Ball, Hastings & Davenport,

Attorneys for the Cherokee Nation,

Mustagee, Indian Territory.

Gentlemen:

You are hereby advised that the Commission's decision dated January 19, 1908, rejecting the applications for the enrollment of William Davis, et al., as Cherokee citizens by intermarriage, was affirmed by the Secretary of the Interior on April 17, 1908.

Respectfully,

SIGNED: *James Bixby*
Commissioner

COPY.

Cherokee Freedmen

B-14, et al.

Muskogee, Indian Territory, April 28, 1908.

Commissioner in Charge,

Cherokee Land Office,

Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated January 19, 1908, rejecting the applications for the enrollment of William Davis, et al., as Cherokee citizens by intermarriage, was affirmed by the Secretary of the Interior on April 17, 1908.

Respectfully,

(SIGNED).

Jams Bixby
Chairman.

Department of the Interior

Commission to the Five Civilized Tribes.

In the matter of the application for enrollment of William Davis, et al., as citizens by inter-marriage of the Cherokee Nation, consolidating the applications of:

William Davis,
Henry Thomas,
Ella Vand,
Mary Markham,
Frances Melton,
John Dotson,
Mary Jane Vand,
Thomas Lowe,
Ella Maynard,
Sallie Elder,
Reuben Campbell,
Van Jackson Luther,
Cassels Middleton,
Mary Harris,
Nellie Hales,
John Kimbo,
William S. Madden,
Jude Dean,
Albert T. Thomas,
Mary Campen,
Caroline Dauters,
Melvina Abbey,
Dave Morris,
Alexander Chaggett,
Amanda Martin,
Eliza Martin,
John E. Barnes,
Bel Davis,
Samuel Brown,
Howard F. Watson,
Jack McConnell,
Maude Mabley,

Cherokee Freedmen D-14,
Cherokee Freedmen D-15,
Cherokee Freedmen D-16,
Cherokee Freedmen D-17,
Cherokee Freedmen D-18,
Cherokee Freedmen D-19,
Cherokee Freedmen D-20,
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Cherokee Freedmen D-94,
Cherokee Freedmen D-95,
Cherokee Freedmen D-96,
Cherokee Freedmen D-97,
Cherokee Freedmen D-98,
Cherokee Freedmen D-99,
Cherokee Freedmen D-100,

George Reed, Jr.
Buck Ledman
Bell Thompson
Lewis Scott
Aha Scott
Hester Scott
Thomas F. Allen
Lewis Vanderford
John L. Bowlin
Katie Davis
Charles Williams
John J. Hase
Jase Martin
Lena Peterson
Alex Johnson
Martha Vann
John Scott
Nancy Ross
Charles C. Smith
Sato Colbert
William Skaggs
Sato Johnson
Alfred P. Hopkins
Kizzie Nann
Freddie Lowmyer
Lucy Obensteen
Alice Darnat
Mahaley Ward
Fred D. Thomas
Bettie Beck
Ellie Warren
Milly Robinson
Mary Webster
Frances Martin
Mary B. B.
Margaret Taylor
Mary Sykes
Larkin F. Bonnell
Stepney Davis
Mallada Vann
Frances Johnson
Annie Foster
Mary H. Rogers
George Washington Long
Jase Brown

Sadie L. Brown
 John Richardson
 Willie Grayson
 Edward Bowler
 Mattie Marshall
 Charles Chappell
 Susan L. Brown
 Mary L. Brown
 Maggie Brown
 Nedra Brown
 Edna Brown
 Elizabeth Brown
 Edna Brown
 Gustav Brown
 John Chappell
 Mattie Smith
 Jack Johnson
 Lida Johnson
 George Brown
 Little Brown
 Made Brown
 Mary Johnson
 Maggie Vann
 William Hudson
 Sarah Rogers
 Abraham Ballard
 Laura David

[illegible]

Laura David,
 Abraham Hallard,
 Sarah Roberts,
 William Hubbard,
 Maggie Vane,
 Mary Johnson.

for himself; by Elizabeth Rowley for her husband, John J. Rowley; by John D. Davis for his wife, Katie Davis; by Charles Williams for himself; by John J. Ross for himself; by David Martin for his wife, Jane Martin; by Fred Parker for his wife, Clara Parker; by Martha Johnson for her husband, John Johnson; by George Johnson for himself; by John Smith for himself; by Henry Jones for Henry Jones; by Charles C. Smith for himself; by James Colbert for his wife, Susie Colbert; by Rebecca Hays for her husband, William Hays; by Saml Johnson for herself; by Alfred P. Hopkins for himself; by Charles Vann for his wife, Kizzie Vann; by John L. Loney for his wife, Fannie Loney; by Mary Thompson for herself; by Allen Darnett for himself; by Alonzo Ward for his wife, Mahaley Ward; by Fred D. Thomas for himself; by Benjamin Beck for his wife, Bettie Beck; by Ella Warren for herself; by William Henry Robinson for his wife, Millie Robinson; by John Webb for his wife, Mary Webb; by Otes Baker for his wife, Fannie Baker; by Ed. Baker for his wife, Mary Baker; by Emanuel Taylor for himself; by Henry Arken for himself; by Larkin P. Powell for himself; by Stepany Dawn for himself; by Ellis Vann for his wife, Malinda Vann; by David Johnson for his wife, Frances Johnson; by Phillip Foster for his wife, Annie Foster; by Houston Rogers for his wife, Mary H. Rogers; by George Washington Dane for himself; by Silas Homper Brown for his wife, Jane Brown; by Samuel I. Young for himself; by Lizzie Buckner for her husband, John Buckner; by Sarah Cox for her husband, Willis Cox; by Susan Bowles for her husband, Leonard Bowles; by Henry Murrell for his wife, Melinda Murrell; by Charles Claggett for himself; by Daniel Irwin for himself; by David Best for his wife, Mary Rose; by George B. Newcomb for his wife, Maggie Newcomb; by Lewis Armstrong Newcomb for his wife, Neoma Newcomb; by Perry Ross for his wife, Ella Ross; by Elisabeth Duncan for herself; by Perry Adams for his wife, Sadie Adams; by Thomas Archer for his wife, Georgiann Archer; by Nancy Claggett for her husband, John Claggett; by Emily Sams for his wife, Mitche Sams; by Jack Jackson for himself; by John Sanderson for his wife, Letta Sanderson; by Mary Hamilton for her husband, George Hamilton; by George West for his wife, Lizzie West; by Maria French for herself; by Mary Johnson for herself; by Maggie Vann for herself; by William Hudson for himself; by Sarah Rogers for herself; by Abraham Walker for himself; by King Davis for his wife, Eliza Davis; by John Deckman for himself; by Adeline B. Campbell for herself; by Isaac Welch for himself; by Nancy Logan for her husband, Lawson Logan; by Marie Howell for her husband, George Howell; by Amanda Masir for her husband, Henry Masir; by Katie Adams for her husband, George Adams; by Willie Thomas for his wife, Mattie Thomas; by John Adams for his wife, Carrie Vann; by Lee Adams for himself; by Robert Adams for his wife, Alice Adams; by Rachel Jones for her husband, Isaac Jones; by Lewis Gunter for his wife, Alice Gunter; by Amos Adair for his wife, Katie Adair; by William H. Hester for his wife, Emma Hester; by Benjamin Clark for himself; by Early Looney for herself; by Mary George for her husband, John Gunter; by Miller M. Nantz for his wife, Malinda Nantz; by Bettie Vann for herself; by Nelson Lett for himself; by Allen Rogers for his wife, Jennie Rogers; by William Washington for himself; by Squire Warren Owens for himself; by Fannie Goldsby for herself; by Charles Daniels for his wife, Sarah Daniels; by Abner Turk for his husband, Anderson Turk; by David Cook for himself; by Belle McCain for herself; by Henderson Watts for himself; by Isaac Vann for his wife, Bella Vann; by Maggie Stroud for her husband, Levi Stroud; by John Sampson for himself; by Mariah Thompson for herself; by Ellen Sheppard for herself; and by Lula Melton for herself, claiming their right as heirs by virtue of their marriage to Freedmen Charles Melton.

William Washington
William Rogers
Francis Bell
Nelson Vann
Bettie Vann
Mabel McNeil

The record further shows that none of the applicants herein make any claim to enrollment as one of the Cherokee Indians other than as set forth above.

It further appears from the record herein that at the time applications were made for the enrollment of the above named applicants, applicants who were the enrollees of the Cherokee Freedmen, but said applications being differently classified are not included in this decision.

It does not appear that any of the applicants herein are identified upon the 1880 "Authenticated Cherokee Roll," nor does it appear that any of said applicants has ever been admitted to Cherokee citizenship by a duly constituted court or committee of the Cherokee Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States District Court for the Territory of Oklahoma, or by the provisions of the Act of Congress approved June 10, 1896, (29 Stat., 381).

It is, therefore, the opinion of this Commission that, following the ruling of the Department in the case of *Edna Welcome*, (I. T. D. 1896-1904, 11,776-1904), the applications made for the enrollment of William Davis, Henry Thomas, Ella Vann, Mary Markham, Frances Melton, John Dotson, Mary Jane Nash, Thomas Lowe, Ella Mayfield, Sallie Rider, Reuben Campbell, Van Jackson, Luther, Cassie Middleton, Mary Harlin, Nellie Fields, John Timmer, William B. Maddox, Jane Deady, Albert T. Thomas, Mary Campbell, Caroline Daniels, Melvina Albert, Dave Morris, Alexander Claggett, Amanda Martin, Ellen Martin, John H. Brown, Bell Davis, Samuel Brown, Howard E. Watson, Jack McCounell, Mauda Mauda, George Boyd, Dr. Bob Lusk, Bell Thompson, Lewis Scott, Abe Scott, Reuben Lampton, Thomas E. Allen, Lewis Vanderford, John L. Nowlin, Katie Davis, Charles Williams, John J. Rice, Jane Martin, Lena Peterson, Alex Johnson, Martha Vann, John Scott, Henry Ross, Charles O. Smith, Saml. Collett, William Claggett, Sallie Johnson, Alfred P. Hopkins, Klara Vann, Freddie Looney, Lucy Choniam, Alice Durney, Mahaley Ward, Fred Thomas, Bettie Best, Ella Warren, Millie Robinson, Mary Weber, Francis Martin, Mary Elliot, Emanuel Taylor, Henry Sykes, Larkin S. Powell, Stephen Davis, Melinda Vann, Fannie Johnson, Annie Foster, Mary H. Rogers, George Washington Lane, Sam Brown, Sallie L. Young, John Buckner, Willie Cox, Leonard Boyles, Melinda Marshall, Chas. Claggett, Samuel Irvin, Mary Ross, Maggie Nave, Thomas Nave, Ella Rice, Elizabeth Dutton, Sallie Adams, Georgeanna Jackson, John Claggett, Hattie Smith, Jack Jackson, Lulu Sanders, George Hasting, Lizzie West, Wm. French, Mary Johnson, Maggie Vann, William Hudson, Sarah Rogers, Abraham Ballard, Laura Davis, John Deckman, James B. Berry, Isaac Welch, Lawson Logan, George Howell, Henry Mack, George Adams, Annie Thomas, Lewis McCounell, Cassie Vann, Lou Peters, Ida Allen, Robert Brown, Ann Chambers, Izem Jones, Alice Ginter, Katie Adair, Carrie Martin, Benjamin Clark, Emily Looney, John Groves, Matilda McNair, Bettie Vann, Nelson Lett, Fannie Rogers, William Washington,

Squire Warren Owens, Fannie Goldsby, Susan Daniels, Andrew Turk, David Lane, Felix McClain, Henderson Jones, Belle Vann, Levi Strand, John Slaughter, Mariah Thompson, Ellen Sheppard and Lela Melton, as Cherokee citizens by intermarriage, should be denied, under the provisions of section twenty-one of the Act of Congress approved June 24, 1898, (30 Stat., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

[SIGNED] TAMS BIXBY, Chairman.
[SIGNED] T. B. NEEDLES, Commissioner.
[SIGNED] O. B. BRECKINRIDGE, Commissioner.

MONROVIA, INDIAN TERRITORY, JANUARY 19, 1908.

"Tuesday Morning, June 20, 1871."

"Court convened—Present same as yesterday. The making out of report continued until the court announced the following decision regarding certain colored men who have married colored women of the nation, to-wit:"

"The Court of Commission after mature reflection feel authorized to decide against all cases before it wherein colored or black men are claiming citizenship from marrying black female citizens under the law 'Regulating Intermarriage with White Men,' as they are convinced a correct interpretation of said law will not authorize a clerk of any of the courts to issue a license to a black man to marry a black woman as it only alludes to, and was intended for white men and Cherokee women."

"The Court believes it is further sustained in the opinion that colored citizens, are such by adoption, and as such, cannot confer rights upon others, without further legislation upon the matter; therefore decides 'The following named persons are not entitled to Cherokee citizenship as claimed, to-wit:'"

"George Washington, Cooweescoowee District.

"Henry Johnson, Tahlequah "

"Lee Cooper, " "

"Henry Bird, " "

"William Madden, " "

"Alonzo Cullen, " "

"Solomon Foster, Illinois "

"William Hudson, " "

"Haywood Youngblood, Sequoyah District."

EXECUTIVE DEPARTMENT, CHEROKEE NATION.

TAHLEQUAH, I. T., June 22, 1901.

I, J. T. Parks, Executive Secretary of the Cherokee Nation, Indian Territory, do hereby certify that the above and foregoing is a true and correct copy of the decision of the Supreme Court of the Cherokee Nation sitting as a "Special Court of Commission" as found on pages 86 and 87 Record Book No. Five entitled "Minutes of Special Court of Commission," on file in this department.


Given under my hand and the Great Seal of the Cherokee Nation at Tahlequah, Indian Territory, on this the day and date above written.

J. T. Parks
Executive Secretary of Cherokee Nation.

NOTE:—Decision regarding colored citizens of the United States intermarrying with colored women citizens of the Cherokee Nation made June 20, 1871.

20 72 495

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
SEP 23 1901


ACTING CHAIRMAN

72-495

NOTE:--Decision regarding colored citizens of the United States intermarrying with colored women citizens of the Cherokee Nation made June 20, 1871.

"Tuesday Morning, June 20, 1871."

"Court convened—Present same as yesterday. The making out of report continued until the court announced the following decision regarding certain colored men who have married colored women of the nation, to-wit:"

"The Court of Commission after mature reflection feel authorized to decide against all cases before it wherein colored or black men are claiming citizenship from marrying black female citizens under the law 'Regulating Intermarriage with White Men,' as they are convinced a correct interpretation of said law will not authorize a clerk of any of the courts to issue a license to a black man to marry a black woman as it only alludes to, and was intended for white men and Cherokee women."

"The Court believes it is further sustained in the opinion that colored citizens, are such by adoption, and as such, cannot confer rights upon others, without further legislation upon the matter; therefore decides 'The following named persons are not entitled to Cherokee citizenship as claimed, to-wit:'"

"George Washington, Cooweescoowee District.

"Henry Johnson, Tahlequah " "

"Lee Copper. " "

"Henry Bird, " "

"William Madden, " "

"Alonzo Cullen, " "

"Solomon Foster, Illinois " "

"William Hudson, " "

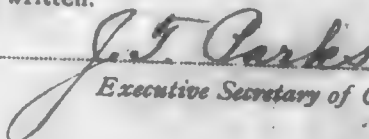
"Haywood Youngblood, Sequoyah District."

EXECUTIVE DEPARTMENT, CHEROKEE NATION.

TAHLEQUAH, I. T., June 27, 1901.

I, J. T. Parks, Executive Secretary of the Cherokee Nation, Indian Territory, do hereby certify that the above and foregoing is a true and correct copy of the decision of the Supreme Court of the Cherokee Nation sitting as a "Special Court of Commission" as found on pages 86 and 87 Record Book No. Five entitled "Minutes of Special Court of Commission," on file in this department.

Given under my hand and the Great Seal of the Cherokee Nation at Tahlequah, Indian Territory, on this the day and date above written.


Executive Secretary of Cherokee Nation.

REGISTRY RECEIPT.

Post Office at

FT. GIBSON, I. T.

Registered Letter
Parcel

No.

71

Rec'd

SEP 14 1901

, 190

of

addressed to

Hubbard Ross, P. M.

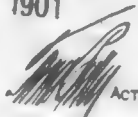
P. M.

VB.

F.D. 475.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
JUN 3 1901



ACTING CHAIRMAN

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date JUN 3 1901
 Post Office Cherokee Co.
 District Co.

1. Name Age
 Owner's name Citizenship
 Year Page No. District

Parents:

Father Citizenship
 Mother Citizenship

2. Name of wife Martha Vain Age 23
 Owner's name Citizenship
 Year Page No. District

Parents:

Father Citizenship
 Mother Citizenship

Names of Children:

Robert
 3. Year Page No. Dist.
 4. Year Page No. Dist.
 5. Year Page No. Dist.
 6. Year Page No. Dist.
 7. Year Page No. Dist.
 8. Year Page No. Dist.
 9. Year Page No. Dist.
 10. Year Page No. Dist.
 11. Year Page No. Dist.
 12. Year Page No. Dist.

Application made by Jos. Vain Husband Stenographer E. R. Hester

Art. of marriage filed

XRef.

253

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

Mrs. Martha Vann,

Claremore, I. T.

Cherokee F-D-495

Register.

TAMS BIXBY,

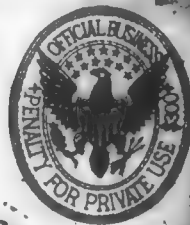
T. B. NEEDLES,

C. R. BRECKINRIDGE,

Commissioners.

Department of the Interior.

Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.



MAR 7 1905



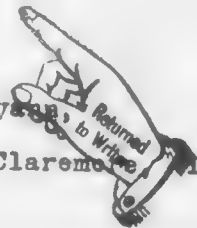
REGISTERED
MUSKOGEE, IND. TER.
MAR 7 1905

NOT CLAIMED.

Martha

Returned
to Writer
Claremont

Indian Territory.



Reg 113

2 Notice

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Cher. Fr. R. 642

Trans. from Fr. D. 501

Cher. Fr. R. 642

C.

J. D. 5/1

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
JUN 3 1901


ACTING CHAIRMAN

10 P. 10/10

Issued marriage License to John Scott, a citizen of the United States, to marry Miss Jennie Rider, a citizen of the Cherokee Nation, on the 2nd, day of March, A.D. 1886, Petition signed by the following named persons to wit: S.S. Smith, G. Smith, J.W. Scott, A. Wilson, J.R. Hurst, John Riley, Lewis Riley, R.R. Riley, John Willey, W.S. Smith. Rites of matrimony solemnized by the Rev. Joseph Smith.

The above recorded as provided by law this 20th, day of March, A.D. 1886.

Wm. V. Carey, Clk,
C.D.C.N.

Executive Department,
Cherokee Nation,
Tahlequah, Ind. Ter.

May 30th, 1901.

I, A.P. Cunningham, Assistant Executive Secretary of the Cherokee Nation, do hereby certify that the above and foregoing is a true and correct copy of the record of the marriage of John Scott and Miss Jennie Rider, as copied from the marriage record of Cooweescoowee District for the year of 1886, said record now being a part of the records of this office. In testimony whereof, I hereunto set my hand and affix the seal of the Cherokee Nation this the 30th, day of May, 1901.

A.P. Cunningham
Assistant Executive Secretary.

Department of the Interior,
Commission to the Five Civilized Tribes,
Chelsea, I. T. June 3rd, 1901

In the matter of the application of John Scott for the enrollment of himself as a Cherokee Freedman by inter-marriage and for the enrollment of his son as a Cherokee Freedman. He being sworn by Commissioner T. B. Needles, testified as follows:

- Q What is your name? A. John Scott.
Q How old are you? A. 30
Q What is your post office address? A. Coffeyville, Kansas.
Q In what district do you live? A. Cooweescoowee.
Q Do you want to be enrolled as a Cherokee Freedman? A. No sir my inter-marriage.
Q Do you desire to enroll any one besides yourself? A. My child.
Q What is his name? A. James Scott.
Q How old is he? A. 14 years.
Q Are you married? A. Yes sir I have been but my wife is not living with me.
Q Who has the child? A. I have.
Q Is your wife enrolled? A. I dont know.
Q What is your wifes name? A. Jennetta Rider before I married her.
Q Is she a Cherokee Freedman? A. Yes sir.
Q Is her name on the roll of 1880? A That is what they say. I dont know.
Q What is the name of your wifes father? A Henry Rider.
Q Is he living? A. No sir.
Q Is your wife living? A. Yes sir.
Q You are not living with her? A. No sir.
Q Divorced from her? A. No sir.
Q Just agreed to disagree? A. She just left me.

The 1880 roll examined and the applicant's wife found as follows:
Page 161 No. 2320 Jennie Rider, Cooweescoowee district.

- Q Is she the mother of this child? A. Yes sir.
Q And you have the custody of this child? A. Yes sir.
Q Where is your wife? A. Two miles from where I live.
Q Did you draw strip money for this boy? A. Yes sir.
Q How long have you lived in the Cherokee Nation? A. About 25 years.
Q Were you ever married before you married this wife? A. No sir.
Q Was she ever married before she married you? A. No sir.
Q When were you married to her? A. In 1886
Q Did you abandon your wife? A. No sir.
Q She left you? A. Yes sir.
Q What did she leave you for? A. She thought more of some other man than she thought of me and just went off with him.
Q Has she had any children since she left you? A. Yes sir they had one.
Q Has she married since she left you? A. Yes sir they say they are married

The 1896 roll examined and the applicant's child found as follows:
Page 417 No. 493, James Scott Rider, Cooweescoowee district.

The Kern Clifton roll examined and the applicant's child found as follows: Page 15, No. 384 Jim Scott, Cooweescoowee district.

- Q This child is living now is it? A. Yes sir.
Q How long have you and your wife been separated? A. Ever since '82
Q Did you ever try to get together again? A. I tried to get her to come back but she wouldn't.

By W. W. Hastings, Cherokee Attorney:

* Comes now the representatives of the Cherokee Nation and offer in evidence the decision of the Special Court of Commission, found on pages 86 and '7 of the Minutes of Special Court of Commission, Supreme Court, 1871, which reads as follows:

The above information was obtained from the files of the Department of State, Bureau of Consular Affairs, Office of American Republic Affairs, Washington, D.C., dated January 10, 1967.

This document contains neither recommendations nor conclusions of the FBI. It is the property of the FBI and is loaned to your agency; it and its contents are not to be distributed outside your agency.

Sincerely,
Special Agent in Charge

[Signature]

JAN 18 1967
FBI - NEW YORK

To be filed with V. B. Card # of John Scott)

RECEIVED

Department of the Interior,
Commission to the Five Civilized Tribes,
Shelton, I. T., June 2nd, 1902

In the matter of the application of John Scott for the enrollment of himself as a Cherokee Freedman by inter-marriage and for the enrollment of his son as a Cherokee Freedman. He being sworn by Commissioner T. B. Needles, testified as follows:

- Q What is your name? A. John Scott.
Q How old are you? A. 38
Q What is your post office address? A. Coffeyville, Kansas.
Q In what district do you live? A. Geewoonowee.
Q Do you want to be enrolled as a Cherokee Freedman? A. Yes sir by inter-marriage.
Q Do you desire to enroll any one besides yourself? A. My child.
Q What is his name? A. Jesse Scott.
Q How old is he? A. 14 years.
Q Are you married? A. Yes sir I have been but my wife is not living with me.
Q Who has the child? A. I have.
Q Is your wife enrolled? A. I don't know.
Q What is your wife's name? A. Jennette Rider before I married her.
Q Is she a Cherokee Freedman? A. Yes sir.
Q Is her name on the roll of 1898? A That is what they say. I don't know.
Q What is the name of your wife's father? A Henry Rider.
Q Is he living? A. No sir.
Q Is your wife living? A. Yes sir.
Q You are not living with her? A. No sir.
Q Divorced from her? A. No sir.
Q Just agreed to disagree? A. She just left me.

The 1898 roll examined and the applicant's wife found as follows:
Page 181 No. 2328 Jennie Rider, Geewoonowee district.

- Q Is she the mother of this child? A. Yes sir.
Q And you have the custody of this child? A. Yes sir.
Q Where is your wife? A. Two miles from where I live.
Q Did you draw strip money for this boy? A. Yes sir.
Q How long have you lived in the Cherokee Nation? A. About 25 years.
Q Were you ever married before you married this wife? A. No sir.
Q Was she ever married before she married you? A. No sir.
Q When were you married to her? A. In 1888
Q Did you abandon your wife? A. No sir.
Q She left you? A. Yes sir.
Q What did she leave you for? A. She thought more of some other man than she thought of me and just went off with him.
Q Has she had any children since she left you? A. Yes sir they had one.
Q Has she married since she left you? A. Yes sir they say they are married

The 1898 roll examined and then applicant's child found as follows:
Page 417 No. 485, James Scott Rider, Geewoonowee district.

The Kern Clifton roll examined and the applicant's child found as follows: Page 18, No. 504 Jim Scott, Geewoonowee district.

- Q This child is living now is it? A. Yes sir.
Q How long have you and your wife been separated? A. Ever since she
Q Did you ever try to get together again? A. I tried to get her to come back but she wouldn't.

By W. V. Hastings, Cherokee Attorney:

* Cases now the representatives of the Cherokee Nation and offer in evidence the decision of the Special Court of Commission, found on pages 26 and 27 of the Minutes of Special Court of Commission, Supreme Court, 1872, which reads as follows:

Tuesday morning, June 27th 1891, Court convened. Present same as yesterday—the making out of report continued until the Court announced the following decision regarding certain colored men who have married colored women of the Nation.

To-wit:
The Court of Commission after mature reflection feel authorized to decide against all cases before it, wherein colored or black men are claiming citizenship from marrying black female citizens under the law "Regulating Intermarriage with white men," as they are convinced a correct interpretation of said law will not authorize a black man of the courts to issue a license to a black man to marry a black woman as it only alludes to, and was intended for white men and Cherokee women. The Court believe it is further sustained in the opinion, the colored citizens are such by adoption, and as such, cannot confer rights upon others, without further legislation upon the matter. Therefore decide, the following named persons are not entitled to Cherokee citizenship as claimed.

George Washington
Henry Johnson
Lee Cooper
Henry Bird
William Madison
Solomon Foster
William Hudson
Harwood Youngblood.

To-wit:-

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| Tahlequah | • |
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| Illinois | • |
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| Sequoyah | • |

By Ben't Needles,-

John Scott applies for his own enrollment as a Cherokee Freedman by inter-marriage, and for the enrollment of his son James Scott as a Cherokee Freedman of his own right. He makes satisfactory proof of his marriage to his wife Jennetta Rider in the year 1886, and the name of his wife is identified on the authenticated roll of 1886; the name of his son James Scott is found on the census roll of 1886 as James Scott Rider, and on the Kiam Shiten pay roll as Jim Scott. He makes satisfactory proof as to residence, consequently, the said James Scott will be listed for enrollment as a Cherokee Freedman. As to the matter of the application of the said John Scott for his own enrollment as a Freedman by inter-marriage, he will be listed for enrollment as a Cherokee Freedman by inter-marriage upon a doubtful card to await the further consideration of the Commission as to his rights as such, and he will be notified by mail of the decision made in his case.

Chas. von Weiss, being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above case and that the foregoing is a full, true and correct transcript of his stenographic notes therein.

Subscribed and sworn to before me this the 27th of June, 1891 at Chalkley Ia T.

Chas. von Weiss
Commissioner.

COPY.

George F. Johnson
S. M. of C.

Fushogee, Indian Territory, January 24, 1890.

The Honorable

The Secretary of the Interior.

Sir:

There is herewith transmitted record of proceedings had in the matter of the applications for the enrollment of, William Davis, Henry Thomas, Ella Vann, Mary Harrison, Frances Walton, Fann Dotson, Mary Jane Vann, Thomas Love, Ella Hayfield, Willie Miller, Reuben Campbell, Van Jackson Luther, Cassie Middleton, Lora Griffin, Willie Fields, John Kinke, William S. Hudson, Sime Ross, Albert T. Thomas, Mary Campbell, Caroline Daniels, Melinda Sherry, Lora Morris, Alexander Claggett, Amanda Martin, Eliza Martin, John E. Eames, Bell Davis, Samuel Brown, Edward W. Brown, Sam McConnall, Bessie Manley, George Reed, Dr., Sam Reed, Neil Thompson, Lewis Scott, Ed Scott, Reuben Hampton, Thomas T. Allen, Bessie Vanhookford, John L. Brown, Elsie Davis, Charles Williams, John J. Ross, Jane Martin, Lena Peterson, Alex Johnson, Martha Vann, John Scott, Nancy Ross, Charles C. Smith, Marie Colburn, William Skaggs, Bessie Johnson, Alfred P. Hagkins, Elsie Vann, Freddie Leancy, Lucy Chouteau, Alice Shrant, Mahaley Ward, John E. Thomas, Bettie Beck, Ella Warren, Willie Robinson, Mary Walker.

Frances Martin, Mary Riley, Emanuel Taylor, Henry Sykes, Larkin P. Powell, Stepney Dawn, Malinda Vann, Frances Johnson, Annie Foster, Mary H. Rogers, George Washington Lane, Jane Brown, Samuel L. Young, John Buckner, Willis Cox, Leonard Bowles, Malinda Murrell, Charles Claggett, Samuel Irven, Mary Ross, Maggie Nave, Neoma Nave, Ella Ross, Elizabeth Duncan, Sadie Adams, Georgeann Archer, John Claggett, Hattie Smith, Jack Jackson, Lula Sanders, George Nasalrig, Liasie West, Maria French, Mary Johnson, Maggie Vann, William Hudson, Sarah Rogers, Abraham Ballard, Laura David, John Jackson, James B. Perry, Isaac Welch, Lawson Logan, George Kewall, Henry Nasir, George Adams, Annie Thomas, Lewis McConnell, Callie Vann, Lex Peters, Ida Adair, Robert Brown, Allie Chambers, Isaac Jones, Alice Gunter, Katie Adair, Carrie Martin, Benjamin Clark, Emily Lotow, John Groves, Matilda McFair, Bettie Vann, Nelson Lett, Fannie Rogers, William Washington, Squire Warren Owens, Fannie Colledge, Susan Daniels, Anderson Turk, David Lane, Felix McFain, Henderson Jones, Belle Vann, Levi Stroud, John Sumpter, Maria Thompson, Ellen Sheppard and Lula Malten, as Cherokee citizens by inter-marriage, including the Commission's decision dated January 10, 1905, rejecting said applications.

Respectfully,

(SIGNED) *Tame Bixby.*
Chairman.

Incl. K-8.
Through the
Commissioner of Indian Affairs.

COPY.

Cherokee Freedmen
2-24 et al.

Muskogee, Indian Territory, January 24, 1905.

Pell, Hastings & Swenport,
Attorneys for the Cherokee Nation,
Muskogee, Indian Territory.

Gentlemen:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated January 19, 1905, rejecting the applications for the enrollment of, William Davis, Henry Thomas, Ella Vann, Mary Harshaw, Frances Holton, John Johnson, Mary Ann Vann, Thomas Love, Ella Hopfield, Willie Rider, Reuben Campbell, Van Jackson Luther, Sarah Whitton, Mary Hopkins, Willie Fields, John Elder, William S. Eubank, Jane Dean, Albert T. Thomas, Mary Campbell, Caroline Jenkins, Melvin Liberty, Sam Morris, Abraham Gagnett, Susan Martin, Ellen Martin, Sam E. Barnes, Edie Davis, Samuel Brown, Howard P. Watson, Jack McConnell, Hattie Kanley, George Reed, Sr., Buck Leckner, Hall Thompson, Lewis Scott, Abe Scott, Kandy Lupton, Thomas E. Allen, Lewis Vanderford, John T. Rowlin, Katie Latta, Charles Williams, John J. Rose, Jane Martin, Lena Peterman, Alex Johnson, Martha Vann, John Scott, Nancy Ross, Charles G. Smith, Susie Colbert, William Stagg, Susie Johnson, Alfred P. Hopkins, Kinzie Vann, Freddie LeMay, Lucy

Chuteau, Alice Durant, Mahaley West, Frank J. Thomas, Estelle Cook, Ellis Warren, Willie Robinson, Mary Vetter, Frances Martin, Mary Wiley, Emanuel Taylor, Henry Sykes, Larkin P. Fossil, Margaret Jean, Kalinda Vann, Frances Johnson, Annie Foster, Mary H. Rogers, George Washington Lane, Jane Brown, Samuel L. Young, John Buckner, Willie Cox, Leonard Bewles, Malinda Merrill, Charles Claggett, Samuel Irvan, Mary Hess, Maggie Nave, Nedra Nave, Ella Ross, Elizabeth Duncan, Nellie Adams, Georgeann Archer, John Claggett, Mattie Smith, Jack Jackson, Lula Sanders, George Hamling, Lillie West, Martha French, Mary Johnson, Maggie Wynn, William Nelson, Martha Rogers, Abraham Ballard, Laura David, John Danner, James B. Perry, Isaac Welch, Lawson Logan, George Howell, Harry Blair, George Adams, Annie Thomas, Louis McDougall, Nellie Vann, Lou Moore, Ma Blair, Robert Brown, Allie Chambers, Isaac Singer, Alice Guster, Katie Blair, Carrie Martin, Margaret Clark, Emily Easley, John Graves, Nellie Baker, Mattie Vann, Edwin Lane, Fannie Rogers, William Washington, Squire Warren Vann, Fannie Goldsby, Susan Daniels, Anderson West, David Lane, Felix McClain, Henderson Jones, Nellie Vann, Levi Strand, John Wagner, Martha Thompson, Ellen Shappard and Lula Nelson, as Cherokee citizens by intermarriage.

The decision, together with the report of investigation and in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The result of the

THESE ARE THE ONLY COPIES OF THE WORKS OF THE
AUTHOR OF THE WORKS

REPRODUCED

REPRODUCED *Tam's Baby.*

THESE ARE THE ONLY COPIES OF THE WORKS OF THE
AUTHOR OF THE WORKS

COPY

Cherokee Freedman
B-501.

McKeagee, Indian Territory, January 24, 1908.

John Scott,

Coffeyville, Kansas.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated January 19, 1908, rejecting, among others, the application for your enrollment as a Cherokee citizen by intermarriage.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Encl. 1-58.

Register.

(SIGNED) *Tamr Dixby*
Chairman.

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,

WASHINGTON, March 20, 1905.

Refer in reply
to the following:

Lead.
7900-1905.

The Honorable,

The Secretary of the Interior.

Sir:

I enclose a report from the Commission to the Five Civilized Tribes, dated January 24, 1905, transmitting the record of the application for enrollment as Cherokee citizens by intermarriage to Cherokee freedmen by William Davis, Henry Thomas, Ella Vann, Mary Markham, Frances Melton, John Detson, Mary Jane Vann, Thomas Lowe, Ella Mayfield, Sallie Rider, Reuben Campbell, Van Jackson Luther, Cassie Middleton, Mary Martin, Nellie Fields, John Kinke, William S. Madden, Jane Ross, Albert F. Thomas, Mary Campbell, Caroline Daniels, Melvina Alberty, Dave Morris, Alexander Claggett, Amanda Martin, Eliza Martin, John H. Barnes, Bell Davis, Samuel Brown, Howard F. Watson, Jack McConnell, Mauda Emley, George Reed, Sr., Buck Ledman, Bell Thompson, Lewis Scott, Abe Scott, Kender Lupton, Thomas E. Allen, Lewis Vanderford, John L. Bowlin, Katie Davis, Charles Williams, John J. Rose, Jane Martin, Lena Petersen, Alex Johnson, Martha Vann, John Scott, Nancy Ross, Charles C. Smith, Susie Colbert, William Shaggs, Susie Johnson,

Alfred P. Hopkins, Elsie Vann, Freddie Looney, Lucy Chouteau,
 Alice Durant, Mahaley Ward, Fred B. Thomas, Bettie Beck, Ellis
 Warren, Willie Robinson, Mary Weber, Frances Martin, Mary Riley,
 Emanuel Taylor, Henry Sykes, Larkin P. Powell, Stepney Dunn,
 Malinda Vann, Frances Johnson, Annie Foster, Mary H. Rogers,
 George Washington Lane, Jane Brown, Samuel L. Young, John Buckner,
 Willis Cox, Leonard Swatts, Malinda Murrell, Charles Claggett,
 Samuel Irven, Mary Ross, Maggie Hurt, Ella Ross, Elizabeth Thomas,
 Sadie Adams, Georgeann Archer, John Claggett, Mattie Smith, Jack
 Jackson, Iula Sanders, George Hazelrig, Linnie West, Maria French,
 Mary Johnson, Maggie Vann, William Hudson, Sarah Rogers, Abraham
 Ballard, Laura David, John Jackson, James B. Perry, Isaac Welch,
 Lawson Logan, George Howell, Henry Masir, George Adams, Annie
 Thomas, Lewis McConnell, Callie Vann, Lou Peters, Ida Muir,
 Robert Brown, Allie Chambers, Isaac Jones, Alice Ginter, Katie
 Adair, Carrie Martin, Benjamin Clark, Emily Looney, John Groves,
 Matilda McHair, Bettie Vann, Nelson Lett, Fannie Rogers, William
 Washington, Squire Warren Gwinn, Fannie Goldsby, Susan Daniels,
 Anderson Turk, David Lane, Felix McLain, Henderson Jones, Belle
 Vann, Levi Stroud, John Supter, Mariah Thompson, Ellen Sheppard,
 and Iula Walton.

January 19, 1905, the Commission decided adversely to all
 the applicants.

The record shows that none of the applicants makes claim
 to enrollment as citizens of the Cherokee Nation, except by
 intermarriage with a Cherokee Freedman; that none has ever been

expelled or admitted to citizenship by any tribal authority of the Cherokee Nation or by any United States Tribunal and that name is identified on the 1880 authenticated Cherokee roll.

In view of the record and of the ruling of the Department of November 18, 1904, (I. T. B. 5642-1904) in the Lemuel Wilcome case, the approval of the Commission's decision adverse to all the applicants is recommended.

Very respectfully,

G. F. Lawrence,

Acting Commissioner.

M.M.M.
W.

(C O P Y)

D. C. 20877-1908
I.T. D. 2004-1908

V C P
P H E

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

L R S

April 17, 1905

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

January 24, 1905, you transmitted the record in the matter of the applications for the enrollment of the following persons as citizens by intermarriage of the Cherokee Nation, including your decision of January 19, 1905, rejecting said applications, viz:

William Davis, Henry Thomas, Ella Vann, Mary Markham, Frances Melton, John Detsen, Mary Jane Vann, Thomas Lowe, Ella Mayfield, Sallie Rider, Reuben Campbell, Van Jackson Luther, Cassie Middleton, Mary Harlin, Nellie Fields, John Kinke, William E. Madden, Jane Beany Albert T. Thomas, Mary Campbell, Caroline Daniels, Melvina Alberty, Dave Morris, Alexander Claggett, Abanda Martin, Eliza Martin, John E. Barnes, Nell Davis, Samuel Brown, Howard F. Watson, Jack Mc Connell Maude Manley, George Reed, Sr., Rusk Ledson, Nell Thompson, Louis Scott, Abe Scott, Yander Lampton, Thomas R. Allen, Lewis Vanderford, John L. Bowlin, Katie Davis, Charles Williams, John J. Rose, Jane Martin, Lena Peterson, Alex Johnson, Martha Vann,

John Scott, Nancy Ross, Charles C. Smith, Gustie Culbert,
 William Briggs, Gustie Johnson, Alfred P. Hopkins, Kizzie Vann,
 Freddie Leoney, Lucy Chouteau, Alice Durant, Mahaley Ward,
 Fred D. Thomas, Bettie Beck, Ellis Warren, Millie Robinson,
 Mary Webber, Frances Martin, Mary Riley, Mamuel Taylor, Henry
 Sykes, Larkin P. Fowell, Stephen Dorn, Malinda Vann, Frances
 Johnson, Annie Foster, Mary H. Rogers, George Washington Lane,
 Jane Brown, Samuel L. Young, John Beckner, Willie Cox, Leonard
 Bowles, Malinda Murrell, Charles Claggett, Samuel Irven, Mary
 Ross, Maggie Hays, Norma Hays, Ella Hays, Elizabeth Duncan,
 Sadie Adams, Georgeant Archer, John Claggett, Mattie Smith,
 Jack Jackson, Lula Sanders, George Hamelrig, Lizzie West,
 Maria French, Mary Johnson, Maggie Vann, William Hudson,
 Sarah Rogers, Abraham Ballard, Laura David, John Beckman,
 James B. Perry, Isaac Welch, Lawson Logan, George Howell,
 Henry Masir, George Adams, Annie Thomas, Lewis McCormell,
 Callie Vann, Lou Peters, Ida Adair, Robert Brown, Allie Chambers
 Isaac Jones, Alice Guster, Katie Adair, Carrie Martin, Benjamin
 Clark, Emily Leoney, John Groves, Matilda McNair, Mattie Vann,
 Nelson Lett, Fannie Rogers, William Washington, Squire Warren
 Owens, Fannie Goldsby, Susan Daniels, Anderson Turk, David Lane,
 Felix McClain, Henderson Jones, Belle Vann, Levi Stread, John
 Sumpter, Mariah Thompson, Allen Sheppard and Julia Melton.

Reporting in the matter March 21, 1905, the Indian
affairs recommend that your decision be approved. A copy of
its letter is enclosed.

The Department concurs in said recommendation, and
your decision is hereby affirmed.

Respectfully,

(Signed) THOS RYAN
Acting Secretary.

1 inclosure

COPY.

Cherokee Freedmen

B-14, et al.

Muskogee, Indian Territory, April 28, 1905.

Commissioner in Charge,

Cherokee Land Office,

Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated January 19, 1905, rejecting the applications for the enrollment of William Davis, et al., as Cherokee citizens by intermarriage, was affirmed by the Secretary of the Interior on April 17, 1905.

Respectfully,

(SIGNED) *Tams Bixby*
Chairman.

COPY.

Cherokee Freedmen

D-501.

Muskogee, Indian Territory, April 28, 1906.

John Scott,

Coffeyville, Kansas.

Dear Sir:

You are hereby advised that the Commission's decision dated January 19, 1906, rejecting your application for enrollment as a Cherokee citizen by intermarriage, was affirmed by the Secretary of the Interior on April 17, 1906.

Respectfully,

SIGNED: *Tame Bixby.*
Chairman.

COPY.

Cherokee Freedmen

D-14, et al.

Muskogee, Indian Territory, April 28, 1905

Bell, Hastings & Davenport,
Attorneys for the Cherokee Nation,
Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the Commission's decision dated January 19, 1905, rejecting the application for the enrollment of William Davis et al., as Cherokee citizens by intermarriage, was affirmed by the Secretary of the Interior on April 17, 1905.

Respectfully,

(SIGNED) *Tams Bixby.*
Chairman.

32501

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
SEP 23 1901

 ACTING CHAIRMAN

105204

NOTE:—Decision regarding colored citizens of the United States intermarrying with colored women citizens of the Cherokee Nation made June 20, 1871.

"Tuesday Morning, June 20, 1871."

"Court convened—Present same as yesterday. The making out of report continued until the court announced the following decision regarding certain colored men who have married colored women of the nation, to-wit:"

"The Court of Commission after mature reflection feel authorized to decide against all cases before it wherein colored or black men are claiming citizenship from marrying black female citizens under the law 'Regulating Intermarriage with White Men,' as they are convinced a correct interpretation of said law will not authorize a clerk of any of the courts to issue a license to a black man to marry a black woman as it only alludes to, and was intended for white men and Cherokee women."

"The Court believes it is further sustained in the opinion that colored citizens, are such by adoption, and as such, cannot confer rights upon others, without further legislation upon the matter; therefore decides 'The following named persons are not entitled to Cherokee citizenship as claimed, to-wit:'"

"George Washington, Cooweescoowee District.

"Henry Johnson, Tahlequah

"Lee Cooper,

"Henry Bird,

"William Madden,

"Alonzo Cullen,

"Solomon Foster, Illinois

"William Hudson,

"Haywood Youngblood, Sequoyah District."

EXECUTIVE DEPARTMENT, CHEROKEE NATION.

TAHLEQUAH, I. T., June 22, 1901.

I, J. T. Parks, Executive Secretary of the Cherokee Nation, Indian Territory, do hereby certify that the above and foregoing is a true and correct copy of the decision of the Supreme Court of the Cherokee Nation sitting as a "Special Court of Commission" as found on pages 86 and 87 Record Book No. Five entitled "Minutes of Special Court of Commission," on file in this department.

Given under my hand and the Great Seal of the Cherokee Nation at Tahlequah, Indian Territory, on this the day and date above written.


Executive Secretary of Cherokee Nation.

Department mission to the

Printed and Digitized Text

William Davis,
Henry Thomas,
Ella Vann,
Mary Markham,
Frances Melton,
John Dotson,
Mary Jane Vann,
Phonias Lowe,
Ella Maygord,
Daffie Rider,
Reuben Campbell,
Van Jackson Luther,
Nedra Middleton,
Mary Harrod,
Nellie Fields,
John Kimbo,
William S. Madden,
Aue Beau,
Albert T. Thomas,
Ary Campover,
Saratine Danton,
Kervin Abernethy,
Dave Morris,
Alexander Elleggett,
Aminda Martin,
Eliza Martin,
John E. Barnes,
John Davis,
Amuel Brown,
Howard P. Watson,
Jack McCannell,
Mude Mauley,

[illegible]

Cherokee Freedmen D-4916
Cherokee Freedmen D-4917
Cherokee Freedmen D-4918

103

2001-01-01

Cherokee Freedmen D-761,
 Cherokee Freedmen D-760,
 Cherokee Freedmen D-761,
 Cherokee Freedmen D-767,
 Cherokee Freedmen D-768,
 Cherokee Freedmen D-766,
 Cherokee Freedmen D-768,
 Cherokee Freedmen D-799,
 Cherokee Freedmen D-800,
 Cherokee Freedmen D-816,
 Cherokee Freedmen D-840,
 Cherokee Freedmen D-841,
 Cherokee Freedmen D-880,
 Cherokee Freedmen D-901,
 Cherokee Freedmen D-912,
 Cherokee Freedmen D-922,
 Cherokee Freedmen D-938,
 Cherokee Freedmen D-978,
 Cherokee Freedmen D-997,
 Cherokee Freedmen D-999,
 Cherokee Freedmen D-1010,
 Cherokee Freedmen D-1039,
 Cherokee Freedmen D-1062,
 Cherokee Freedmen D-1067,
 Cherokee Freedmen D-1078,
 Cherokee Freedmen D-1082,
 Cherokee Freedmen D-1085,
 Cherokee Freedmen D-1205,
 Cherokee Freedmen E-39,
 Cherokee Freedmen E-45,
 Cherokee Freedmen E-48,
 Cherokee Freedmen E-56,
 Cherokee Freedmen E-72,
 Cherokee Freedmen E-81,
 Cherokee Freedmen E-85,
 Cherokee Freedmen E-86,
 Cherokee Freedmen E-94,
 Cherokee Freedmen E-96,
 Cherokee Freedmen E-99,
 Cherokee Freedmen E-100,
 Cherokee Freedmen E-102,
 Cherokee Freedmen E-104,
 Cherokee Freedmen E-105,
 Cherokee Freedmen E-106,
 Cherokee Freedmen E-107.

The record further shows that none of the applicants herein make any claim to enrollment as citizens of the Cherokee Nation other than as set forth above. It further appears from the record herein that at the time applications were made for the enrollment of the above named applicants, application was also made for the enrollment of other applicants as Cherokee Freedmen, but said applications being differently classified are not included in this decision.

It does not appear that any of the applicants herein are identified upon the 1880 Authenticated Cherokee Roll, nor does it appear that any of said applicants has ever been admitted to Cherokee citizenship by a duly constituted court or committee of the Cherokee Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States District Indian Territory, under the provisions of the Act of Congress approved June 10, 1896, (29 Stat., 531).

It is, therefore, the opinion of this Commission that, following the ruling of the Department in the case of *Lester Welcomes* (E. T. D. 2040-1904, 11,776-1904), the applications made for the enrollment of William Davis, Henry Thomas, Ella Vann, Mary Markham, Frances Melton, John Dotson, Mary Jane Vann, Thomas Lowe, Ella Mayfeld, Sallie Rider, Rachel Campbell, Van Jackson, Luther, Cassie Middleton, Mary Harris, Nellie Fidda, John Harber, William S. Middleton, John Doss, Albert T. Thomas, Mary Campbell, Caroline Daniels, Melvina Alberty, Dave Morris, Alexander Claggett, Amanda Martin, Eliza Martin, John H. Bames, Bell Davis, Samuel Bames, Howard E. Wesson, Jack McConnell, Maude Mastey, George Reed, Sr., Buck Ladman, Bett Thompson, Lewis Scott, Abe Scott, Kender Lampton, Thomas E. Allen, Lewis Vanderford, John L. Bowin, Katie Davis, Charles Williams, John A. Rose, Jane Martin, Lena Peterson, Alan Johnson, Martha Vann, John Scott, Nancy Rose, Charles O. Smith, Sam Goldbert, William Stagg, Sallie Johnson, Alfred P. Hopkins, Klante Vann, Freddie Looney, Lucy Choultan, Alice Darnes, Hannah Ware, Fred D. Thomas, Bettie Berk, Ella Warren, Millie Robinson, Mary Webber, Frances Martin, Mary Riker, Emanuel Taylor, Henry Sykes, Stephen B. Howell, Stephen Davis, Muller Fells, Thomas Johnson, Apple Foster, Mary H. Rogers, George Washington Doss, Jane Brown, Samuel L. Young, John Buckner, Willie Cox, Leonard Bowler, Melinda Marrell, Charles Claggett, Samuel Ivey, Mary Rose, Maggie Nave, Neoma Nave, Ella Rose, Elizabeth Doss, Sallie Johnson, George Nave, John Claggett, Hattie Smith, Jack Jackson, Lela Shoult, George Harber, Lela West, Burn French, Mary Johnson, Maggie Vann, William Hudson, Sarah Rogers, Abraham Ballard, Lena Davis, John Deckman, James B. Berry, Isaac Welch, Lewis Logan, George Howell, Henry Mack, George Adams, Annie Thomas, Lewis McConnell, Chilo Vann, Lou Peters, Ida Anne, Elsie Brown, Ella Chambers, Isom Jones, Alice Ginter, Katie Adair, Carrie Martin, Benjamin Clark, Emily Leoney, John Groves, Matilda McNair, Bettie Vann, Nelson Lett, Fannie Rogers, William Washington,

Spaine Warren Owens, Fannie Goldsby, Susan Daniels, Anderson Turk, David Lane, Felix McClain, Henderson Jones, Belle Vann, Levi Stroud, John Gumpster, Mariah Thompson, Eliza Sheppard and Lela Melton, as Cherokee citizens by intermarriage, should be denied, under the provisions of section twenty-one of the Act of Congress approved June 22, 1890, (50 Stat., 496), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES

[SIGNED] TAMB BIXBY, Chairman.
[SIGNED] T. E. NEEDLES, Commissioner.
[SIGNED] C. E. BRIDGEMAN, Commissioner.

MUSKOGEE INDIAN TERRITORY, JANUARY 10, 1905.

73.

J.D. 581

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
JUN 3 1901



ACTING CHAIRMAN

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date JUN 3 1901
 Post Office Coffeeville Kas.
 District Geo

1. Name John Scott Age 39
 Owner's name _____ Citizenship _____
 Year _____ Page _____ No. _____ District _____

Parents:

Father _____ Citizenship _____
 Mother _____ Citizenship _____

2. Name of wife _____ Age _____
 Owner's name _____ Citizenship _____
 Year _____ Page _____ No. _____ District _____

Parents:

Father _____
 Mother _____ Citizenship _____

Names of Children:

3. James Scott
 4. _____ Year _____ Page _____ No. _____ Dist. _____
 5. _____ Year _____ Page _____ No. _____ Dist. _____
 6. _____ Year _____ Page _____ No. _____ Dist. _____
 7. _____ Year _____ Page _____ No. _____ Dist. _____
 8. _____ Year _____ Page _____ No. _____ Dist. _____
 9. _____ Year _____ Page _____ No. _____ Dist. _____
 10. _____ Year _____ Page _____ No. _____ Dist. _____
 11. _____ Year _____ Page _____ No. _____ Dist. _____
 12. _____ Year _____ Page _____ No. _____ Dist. _____

Application made by M. L. Stenographer Charvon Weiss

K. R. Y.

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FW001

MAR

1902

ACTING CHAIRMAN

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

Mr. John Scott,
Coffeyville, Kans.,
Cherokee - F-B-501,
Register.

TAMS BIXBY,
T. B. NEEDLES,
C. R. BRECKINRIDGE,
Commissioners.

Cher. Fr. R. 643

Cher. Fr. R. 643

Trans. from F.D 508

[Handwritten signature]

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File in case of Tobe Looney et al,
Department of the Interior,
Commission to the Five Civilized Tribes,
Chelsea, I. T., June 5th, 1901.

Order.

Commissioner Breckinridge:

It is directed that a copy of so much of this evidence in the Tobe Looney case, as being applied for by his wife, Emily, as is embraced in the evidence of Steve Looney, be filed as supplemental testimony in the case of Sam Fox; Steve Looney having been a witness in that case; and it is further directed that a copy of the testimony now ordered to be filed in the Sam Fox case be mailed to the attorneys of record in the Sam Fox case; said case having been taken in the course of this forenoon.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the order in this case, and that the foregoing is a full, true and correct transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 5th day of June, 1901.


Commissioner.

TO THE FIVE CIVILIZED TRIBES

FILED
JUN 6 1901

[Handwritten signature]

[Faint, mostly illegible typed text, possibly a letter or official communication]

[Handwritten notes on the right margin, including the number 5]

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Department of the Interior,
Commission to the Five Civilized Tribes,
Chelsea, I.T., June 5, 1901.

In the matter of the application of Esau Fox for the enrollment of himself, his wife and six children as Cherokee Freedmen.

Mellette & Smith, attorneys for applicants;
J. S. Davenport, representing Cherokee Nation;

Esau Fox, being duly sworn and examined by Commissioner Breckinridge, testified as follows:

- Q Give me your name? A Esau Fox.
Q How old are you? A 74 years old.
Q What is your post office? A Coffeyville, Kansas.
Q In what district do you live? A Cooweescoowee.
Q Do you want to be enrolled as a Cherokee Freedman? A Yes, sir.
Q Do you want to apply for a family as well as for yourself?
A Yes, sir.
Q Have you a wife that you want to apply for? A Yes, sir.
Q How many children do you want to apply for? A Well, I have eight, but there is two of them of age, married; I have six.
Q You can apply for any under 21 and not married? A Well, six.
Q You have six children under 21? A Yes, sir.
Q And these children are all unmarried are they? A Yes, sir.
Q How long have you lived in the Cherokee Nation? A Well, I was born and raised in the Cherokee Nation and I have lived in the Nation all the time excepting what time during of the war.
Q Give me the name of your father? A Sam Melton, he belonged to Lewis Melton.
Q Is he dead? A Yes, sir.
Q Give me the name of your mother? A Lettie Stinnett.
Q Is your mother dead? A Yes, sir.
Q How long has your father been dead? A I can't tell you, 50 guess I guess.
Q How long has your mother been dead? A She has been dead near about the same time.
Q Were you a slave in the Cherokee Nation at the time the war broke out? A Yes, sir.
Q To whom did you belong? A Lizzie Delano.
Q Was she a well known Cherokee citizen? A Yes, sir.
Q Recognized as such by everybody was she? A Yes, sir.
Q Give me the name of your wife? A Nancy Fox.
Q How old is your wife? A 43 years old.
Q Does she claim to be a Cherokee Freedman of her own right?
A Yes, sir.
Q How long has she lived in the Cherokee Nation? A All her life.
Q When were you and she married? A '76.
Q Give me the name of her father? A Thomas Ross.
Q Is he dead? A No, sir.
Q Give me the name of your wife's mother? A Winnie Murrell.
Q Is she dead? A Yes, sir.
Q How long has she been dead? A Died in the winter of '65.
Q Is Thomas Ross a Cherokee Freedman? A Yes, sir.
Q Was Winnie Murrell a Cherokee Freedman? A Yes, sir.
Q To whom did Winnie Murrell belong at the time the war broke out?
Q Mandy Murrell.
Q Is that the name of a man or woman? A A woman, her mistress.
Q Was she a recognized citizen of the Cherokee Nation? A Yes, sir.
Q Where did she live? A Lived down to Park Hill.
Q Is she dead? A I don't know whether she is dead or not.
Q Your old mistress, Lizzie Delano, is she dead? A Yes, sir.
Q Was your wife ever married before she married you? A No, sir.
Q Give me the names of these children? A Ollie.

Esau Fox - 2.

- Q How old is Ollie? A 18 years old.
Q Give me the name of the next child? A Joe.
Q How old is Joe? A 14.
Q Give me the name of the next child? A Arthur.
Q How old is Arthur? A 11 years old. (Hands Commissioner paper.)
Q How your next child is named Watis is it? A Hattie.
Q She is 9 years old? A Yes, sir.
Q The next is Ruthie? A Ruthie.
Q She is 4 years old? A Yes, sir.
Q The next is Mary, 2 years old? A Yes, sir.

Q These children are all your children by this wife? A Yes, sir.

The 1880 authenticated roll of Cherokee Freedmen examined and the applicants not identified thereon.

The 1896 census roll of Cherokee Freedmen examined and the applicants not identified thereon.

The Kerns-Clifton roll examined, and the applicants identified thereon as follows:

Esau Fox on page 101, No. 2527, Cooweescoowee district;

Nancy Fox on page 101, No. 2528, Cooweescoowee district;

Ollie Fox on page 101, No. 2531, Cooweescoowee district;

Joe Fox on page 101, No. 2532, Cooweescoowee district;

Arthur Fox on page 101, No. 2533, Cooweescoowee district;

Hattie Fox on page 101, No. 2534, Cooweescoowee district.

The Wallace roll examined and the applicants identified thereon page 113 and number as follows:

Esau Fox on page 113, No. 2529, Cooweescoowee district;

Nancy Fox on page 113, No. 2530, Cooweescoowee district.

Children not on Wallace roll.

Q Is there someone here who knows about you and your wife having been married? A Yes, sir.

Q Were you ever married before you married this wife? A No, sir.

Nelson Murrell, being duly sworn and examined by Commissioner Breckinridge, testified as follows:

Q Give your name? A Nelson Murrell.

Q How old are you? A 77 years old.

Q What is your post office? A Coffeyville.

Q How long do you claim to have lived in the Cherokee Nation?

A All my life.

Q Do you know the applicant here, Esau Fox? A Yes, sir.

Q Do you know his wife? A Yes, sir.

Q Is she any kin to you? A No sir, no kin; well, a little kin, not much.

Q Her mother was a Murrell was she? A Yes, sir, raised on the same place where I was.

Q How long have she and this applicant been married? A I don't know exactly how long, I haven't kept any dates.

Q As near as you can come, how long have they been married? A 21 or '2 or '3 years to my knowing.

Q How long have you known the applicant? A About 30 years.

Q Was he ever married before he married this woman? A Never was.

Q How long have you known his wife? A All her life.

Q Was she ever married before? A Never was.

Q What is her name? A Nancy Murrell.

Q Is she the daughter of Winnie Murrell? A Yes, sir.

Q Her father was called Thomas Ross, wasn't he? A Yes, sir.

Mr. Davenport: You are the same Nelson Murrell testified for Amos Adam the other day, aren't you? A Yes, sir.

Esau Fox, recalled, testified:

Commissioner: Now you are not identified on the rolls of 1880 and 1890; how comes it you are not on that 1880 roll? A Well, because they didn't put me on there I guess.

Q You applied to get on there? A Yes, sir.

Q What did they say to you and what did they do? A When the census takers come around and taken the census, it was John Hicks and Dick Duck taken the census, they came to my house and ate dinner, and fed and watered the horses and rested an hour or two, and taken dinner and rested. John Hicks was a man well acquainted with me before the war and we had a good deal of talk, and in taking the roll making the census they carried then two rolls, one they put those wasn't recognized they called it, and those recognized on another roll, and he put me on the roll of recognized citizens, and then when they went to make out the pay roll I wasn't on there or some ways, I don't know anything about how it was.

Q How about your wife? A My wife isn't on there.

Q Was it the same way with her, or have you got another separate story to tell about her? A They didn't say anything about her.

Q Didn't you apply to have her enrolled in the same way? A Yes, sir.

Q What did they say about her? A They didn't say anything about her.

Q Which one of the rolls was she put on? A I don't know, they put her with me I suppose.

Q Well, how about the roll of 1890? A We made no application at all in '90.

Q They didn't come to your house? A No, sir.

Q You didn't go to them? A Yes, sir.

Q Your children and your wife too? A My wife didn't either; the reason we didn't go there, they said they wasn't taking anybody on that roll only those was recognized on the 1880 roll, and we were not on the '80 roll and we didn't make any application there at all.

Q Well, where was it you lived when the war broke out? A Tahlequah.

Q You were a slave at that time, were you? A Yes, sir.

Q Where were you taken, or where did you go during the war? A I never went no place until I enlisted in the army, I was in the United States service.

Q What regiment were you in? A I was in the 79th.

Q 79th Colored Regiment? A Yes, sir, 79th Infantry.

Q Where did you go with your regiment? A I can't tell you, I went everywhere the regiment went, but we were mostly in Arkansas.

Q Where were you when the regiment was mustered out after the war was closed? A We were at Pine Bluff when we were mustered out, and discharged at Leavenworth, Kansas.

Q You were there at that time? A Yes, sir.

Q When was it you were discharged at Leavenworth, Kansas? A October, '65, as near as I can come to it.

Q Well, what did you do then? A Well, I came back down this way, came down south, came down in Kansas to Fort Scott.

Q You came down first to Fort Scott? A I came down first to Fort Scott.

Q How long after you were discharged before you came to Fort Scott?

A Right away, in two or three days after I was discharged.

Q Well then, what did you do? A I stayed there a while and then I came back down here in '65.

Q You came back to the Cherokee Nation in '65? A Yes, sir, in the winter of '65.

Q Before Christmas of '65? A Yes, before Christmas of '65.

Q Where did you go? A Why out here on the Neosho River.

Q Whereabouts on the Neosho River, near place post of ice at that time? A Near where Chetopa is now.

Q Well, were you on the Kansas side or the Nation side? A I was on the Nation side, that was all Nation then.

Q Well, what did you do there? A I stopped there for a couple or three months, and then I went back to Kansas again.

Q Where did you go when you went back to Kansas? A Fort Scott.

Q That was along about the close of the winter or the early spring of 1866? A Yes, it was along the first of the spring, March I guess.

Q Well, what did you do when you went back to Fort Scott, how long did you stay there? A I stayed three about three or four months along there sometime, in fact I stayed there after the harvest in June, and after the harvest in June I left there again.

Q Well, when you left there after the harvest in June, where did you go? A I came back here then to where I am living now, living on the Verdigris.

Q When was it you came back to where you now live on the Verdigris; that was in the summer of '66 was it? A It was along in the fall of '66 when I left there, it was in September, '66, when I got to where I am now living.

Q Well, what did you after you got to that place? A Well I improved me a home there.

Q Did you stay down there and live there? A Yes, sir.

Q Did you build you a house as soon as you got there? A Well, I built me that winter after I got there in the fall.

Q What time in the winter did you build your house? A Well, I don't know, it was along in the winter, I don't know just what time, I built it that winter so as to have a house to live in the next spring and summer.

Q How did you live up to the time you built your house? A Lived in a tent.

Q There was your wife during the war; how long have you known your wife? A I have known her ever since the war, I never knew her before the war.

Q When did you first meet her? A Right after the war, about I think the fall of '66 when I was on my way down here this time.

Q Where did you meet her? A Met her up in Kansas.

Q Where were you and she married? A Out here on the Verdigris River where we are now living.

Q What do you know about her return from Kansas? A Well she came back in the same fall that we all came.

Q How do you know that? A Well because we all come together.

Q Did you come with her? A Yes, sir.

Q In September of '66? A Yes, sir.

Q Is that your statement? A Yes, that is when I come back, she come back a little before me.

Q She come with you? A Yes, we all come together.

Q Did or did not your wife come with you? A Well, she wasn't my wife, she come with Nelson Murrell.

Q Well, she didn't come with you? A No, sir.

Q Your wife didn't come with you then? A No, sir.

Q Do you know who she did come with? A Yes, sir, Nelson Murrell.

Q Did she come before you came or after you came? A Well, along about the same time.

Q Well where has your wife lived ever since she came back this time you speak of? A Right there on the Verdigris River.

Q Lived there ever since? A Yes, sir.

Q Made it her home continuously? A Yes, sir.

Q Never been back to Kansas? A No, sir, never been any farther than Coffeyville.

Q What did she go back to Coffeyville for? A We go up there every week trading.

Mr. Mellette: Have you owned a place on the public domain of the Cherokee Nation? A Yes, sir.

Q Since when? A Since '66.

Q Did you ever vote in the Cherokee Nation? A Yes, sir.

Q How many times? A About four I think, four or five times.

Q For what officers did you vote? A I voted for Joel Mays as Chief, I have voted for Sam Mays.

Q Did you want any lands to non citizens? A Yes, sir.

Q Ever get any permits from the Cherokee Nation? A Yes, sir.

Q Got any with you? A I have, I have one.

Mr. Wollette: The applicant desires to introduce a permit issued by H. H. Trot, Clerk of Goose-neck district, authorizing the applicant as a citizen of the Cherokee Nation to employ hired labor.

Commissioner: This certificate is given under date of March 18, 1891, and is filed herewith.

Mr. Davenport: The representatives of the Cherokee Nation protest against the introduction of the same from the reason that the representative now making the protest is prepared to prove and show that it is not the signature of H. H. Trot which purports to be his to this permit, and that it is incompetent and immaterial.

Commissioner: The objection will be noted and the permit will be filed.

Mr. Davenport: You applied to be admitted as an applicant to the Chambers Court in 1870 and 71? A Yes, sir.

Q What was the disposition of your case there? A Well, I went before that Court then and they told me at that time that Court wasn't set for freedmen, it was set for the North Carolina Indians, and they didn't do anything, just dismissed us and let us go away.

Q You mean that that was the Chambers Court in '71? A Yes, that was the Chambers Court.

Q You were rejected weren't you and don't you know you was? A Yes; I don't know I was rejected, they didn't take any action at all.

Q Now then you applied to be enrolled as a Freedman didn't you?

A Yes, sir.

Q Where were you when you enlisted in the army? A I enlisted at Fort Smith.

Q Now when you came back to the Cherokee Nation, to what point did you come with reference to the rivers or creeks or something of the kind? A I came up to the Verdigris River.

Q When you first came back? A In '65 I stopped up here on the Neesho river.

Q Near what point then? A Well, it was on a little creek they called Cherry Creek, it was on the east side of the Neesho River, there wasn't anybody in there.

Q That is over where the Miami Country is now? A No, ever here three miles from where Chatopa is now.

Q On the eastside of the river? A Yes, sir.

Q Then you stayed there a while and went back to Kansas? A Yes, sir.

Q How long did you stay there in Kansas when you went back? A 3 or four months; I went there in the spring and stayed till after harvest in June.

Q Now when you came back in '66, where did you locate then with reference to the creeks? A On the Verdigris River.

Mr. Wollette: In the Cherokee Nation, you mean? A Yes, sir.

Q How far from what is known as Goose-neck Bend? A About four miles.

Q In what direction? A North.

Q How far from Snow Creek? A Well, about a mile and a half from the mouth of Snow Creek.

Q Who was living in that locality at the time you located there?

Q There wasn't nobody living there, a few Osages, I didn't camp around in there, see all the neighborhood.

Q You testified before the Kerns-Clifton Commission? A Yes, sir.

Q Didn't you testify before that Commission that Lewis Riley

Best Fox - 2.

was living there, and that you came to his house in '88? A No, sir, didn't testify anything like that.

Q Did you see anything of Leoney Riley? A No, sir.

Q Wasn't he living there? A No, sir.

Q Where was he living? A Living off down somewhere on the river.

Q Don't you know where he was living? A No, sir, never was at his house.

Q You didn't go to his house in '88? A No, sir.

Q Where house did you go to when you came back in '88? A When I came back in '88 there was nobody living in that country at all.

Q Who came with you when you came back in there on the mouth of Snow Creek? A Nelson Murrell and Jacob Ross and Joe Ross.

Q If Nelson Murrell came with you, why did you answer the Commission and say he came before you did? A We all came together, he had been down here and went back and then when he came down again I came with him.

Q Where was Nelson Murrell living? A He was stopping there on Snow Creek where he is now living.

Q You didn't go to his house when you came down with him? A Oh yes, we camped there.

Q Why didn't you tell me that a while ago? A Because I didn't go there to stop for anything except camping, and I was liable to camp anywhere on the road.

Q You came down here and lived in a tent how long? A I don't know, I expect four or five days.

Q You brought it with you? A Yes, sir.

Q Where did you get the tent? A Well I don't know, I bought it somewhere in Kansas.

Q Did you come by Coffeyville as you came down from Kansas?

A There wasn't any Coffeyville when I come back.

Q Did you go by Parker? A There wasn't any Parker, there was no towns along that line at all.

Q What was known as Old Parker wasn't there in '88? A No, sir.

Q And Coffeyville wasn't there in '88? A No, sir.

Q Do you know Alex Gomer who lives up there close to Goose Neck Bend? A Yes, sir.

Q Was he living there when you came there? A No, sir.

Q How long had you been there before Alex came? A I don't know, I can't say.

Q How far is your place of residence from the place Alex Gomer place? A Four or five miles.

Q You knew him? A Yes I knew him.

Q You don't remember the names of any of the Osages who lived on Snow Creek? A No, I don't know anything about them, I couldn't talk their tongue and I never had nothing to do with them.

Q Where was your post office at that time? A Didn't have none, didn't have no use for it.

Q You belonged to Lissie Delane at the breaking out of the war?

Q That was my mistress.

Q Where was Lissie Delane living at the breaking out of the war?

A She wasn't living, she was dead.

Q How did you belong to her? A I belonged to that estate, she was the mistress, the one that raised me.

Q How long had she been dead when the war broke out? A I don't know.

Q Who was managing or controlling you at the time the war broke out? A Delane.

Q Which one? A Lorenzo Delane and Charlie Delane.

Q Did you belong to him, ever? A No, sir.

Q Didn't you testify before the Karpis-Glavin Commission that you belonged to Charlie Delane? A No, sir.

Q And that his wife, Charlie Delane's wife, was a Cherokee Indian?

A His wife was a Cherokee.

Q Charlie was a white man? A Yes, sir.

Q Charlie was a white man? A Yes, sir.
Q Was Lizzie Delano Charlie Delano's mother? A No, sir, she was Lorenzo's wife.
Q What relation was Charlie to Lizzie and Lorenzo? A Charlie was Lorenzo's brother.

Q You know what Lorenzo's citizenship was, whether he was a citizen? A He was a white man, he was an adopted citizen.

Q How do you know? A I knowed him nearly all my life.

Q You know he was a white man? A I know he was a white man and he married an Indian.

Q What family did Lizzie Delano belong to? A She belonged to the Melton family.

Q Do you know her father's name? A No, sir.

Q Do you know her mother's name? A No, sir.

Q Do you know where she was raised? A No, I don't know that she raised me.

Q Where were you raised? A I was raised down here on the Illinois river.

Q Near what point now? A Well it was down not far from Tahlequah, seven or eight miles.

Mr. Mellette: In what Nation? A Cherokee Nation.

Mr. Davenport: How far from Park Hill? A I think they called it five miles or Park Hill.

Q Who lived in the neighborhood there that you remember of the breaking out of the war, what Cherokee families, can you name any of them? A In the neighborhood of where we lived at that time, oh I don't know that I can name any of them particularly; well there was John Looney lived right across the river, Lewis Melton.

Q Anyone else? A John Brown.

Q John Brown that is in Illinois district now? A No, I think he is dead.

Q Where was John Megie? A He lived up there between Park Hill and Tahlequah, but he didn't live right near around where we lived, we lived five miles or six miles off down the river from that.

Q Were you at that place over on the Illinois river when the war broke out? A No, sir, I wasn't right there, I was at Tahlequah.

Q Under whose control were you at that time? A Under Delano's.

Q Which one of the Delanos? A Lorenzo.

Mr. Mellette: When you speak of Nelson Murrell coming with you, do you mean he came in the same wagon with you? A No, sir.

Q What do you mean? A I mean we came in a colony together, each man had his own wagon, we had a train and probably a dozen of us.

Q And when you speak of your present wife coming with Nelson Murrell, you mean she was along with the crowd? A She was with him.

Q With him, but with the colony that came with you? A Came in his wagon with him.

Mr. Davenport: Did Nelson Murrell have a house built when you came down here? A Yes, sir.

Jacob Ross, being duly sworn and examined by Commissioner Breckinridge, testified as follows:

Q Give me your name? A Jacob Ross.

Q How old are you? A I don't know how old I am.

Q As near as you can come, are you 75? A Well I expect I is.

Q What is your post office? A Coffeyville.

Q How long have you lived in the Cherokee Nation? A Been living in the Cherokee Nation all my life from a child up.

Mr. Mellette: Jacob, when did you return to the Cherokee Nation after the war, what year? A I returned back the fall of '66.

Q Do you know Beau Fox, the applicant here? A Yes, sir.

Q Do you know when he came back to the Cherokee Nation? A He came back the same time.

Q Where did you locate when you came back? A Located on the Verdigris River on the east side.

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Q Where did he locate? A Same place.

Q Where has he lived since the fall of '66 when he came back to the Cherokee Nation? A No other place but right where they are now.

Mr. Davenport: Jacob, are you a recognized citizen of the Cherokee Nation? A Yes, sir.

Q You were on the roll of 1880? A No, I wasn't on the 1880 roll.

Q Are you on the 1896? A I am on the Wallace Roll and Clifton roll.

Q How did it happen that you came back in '66 and this fellow came back in '66 but neither of you are on the 1880 roll or 1896? A We were here when they made the 1880 roll, it seems they didn't put us on.

Q They are a great many freedmen that was here that are on the 1880 roll; you know Ed Campbell up there? A Yes, sir.

Q Know Charlie? A Yes, sir.

Q They all came back in '66 and they are all on the 1880 roll?

A I don't know if they are or not.

Q Did you come back to the Cherokee Nation with Esau Fox?

A Yes, he came along with us.

Q Who else came along? A Old man Murrell.

Q Which one of the Murrells? A Nelson Murrell.

Q Nelson came in the same crowd did he? A Yes, sir, I came along with the same crowd.

Q Now hadn't Nelson Murrell come here before that time? A I don't know.

Q Don't you know that when you and Esau came he had a house there on the Verdigris River and was living with his family? A I came with Nelson Murrell when he first come down there.

Q Don't you know when Esau Fox came he came to Nelson Murrell's house over on the Verdigris river near the mouth of Snow Creek and Nelson already had a house built and was living there when Esau came?

A Well we came together.

Q Did he or did he not; Nelson Murrell, have a house built there when Esau Fox came to his house hunting a location; did Nelson Murrell have a house built down there? A Nelson Murrell he had a house built there, of course he had a house over there when we come together, I came along with old man Murrell, Joe Ross —

Q Well now then did Esau come at the same time Joe Ross came? A Yes he come along with us.

Q Do you know where Dennis Whitmire was living when you and Esau came back then? A No I don't.

Q You do know though positively that Esau Fox and yourself and Joe Ross all came back at the same time to the Cherokee Nation from Kansas? A I came back with old man Nelson Murrell.

Q Did you, Esau Fox, and Joe Ross all come back from Kansas to the Cherokee Nation together the first time you and Esau came, in '66, the first time you call you came in '66? A Yes, we came in the same time and we all settled down on the river.

Q I want you to say whether or not you and Joe Ross and Esau came together; you said so a while ago but I want you to say so now?

A What I say first that is what I mean, I don't expect to say I know and then go back on it.

Q Did Joe Ross, Preacher Joe — A No, you are wrong.

Q Which Joe Ross was it? A Here is the Joe Ross (indicating)

Mr. Mellette: It was no other Joe Ross except the one sitting here now that you came with, and Esau Fox? A No other one, here is the Joe Ross (indicating).

Q Do you know whether Nelson Murrell had been down before that and built a house down here, before you all come together that time; do you know anything about that; if you don't just say so; you say you came with Nelson Murrell and others; now do you know whether Nelson had been down before that trip and had built him a house down here, do you know whether he had or not? A Yes, sir, I do.

Q Had he been down? A He had been down before that.

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Mr. Davenport: Then you didn't come back with Nelson Murrell the first time he came back? A I didn't say I come back the first time he came.

Q You didn't come with Nelson Murrell at all? A I did, I am not going to deny it.

Q You are sure of that? A Yes, sir.

Q And as sure of that as you are of the rest you have testified?

A Yes, sir, I come with Nelson Murrell.

Q Who was living in that neighborhood when you come? A There wasn't anybody living there.

Q There wasn't anybody living in the neighborhood at all? A Not where we were.

Q Not an Indian, or any kind, of any description? A No, sir.

Commissioner: Did you apply to the Cherokee Court known as the Chambers Court in 1870 or '71 to be admitted as a Cherokee Freedman?

A I don't understand you.

Q Did you ever apply to the Cherokee Court to have your rights recognized as a Cherokee Freedman? A I don't understand that, I would like to know what I am stating before I say yes.

Q Did you ever go to Tahlequah or Fort Gibson to the Cherokee Court that had the power to pass on people's rights as citizens, and ask them to recognize you and to declare that you were a Cherokee Freedman; did you ever go to such a court to get your rights as a Cherokee Freedman? A No, sir, I never did, I don't know, only --

Q Only what? A I say the only time I went before the court --

Q What court? A Why when we went before the Wallace Court.

Q The Wallace Court; didn't you go before the Chambers Court before that in 1870 or 1871, the Indian court, about ten years before the Wallace Court? A We went down to Tahlequah I think it was.

Q That was before the Wallace Court? A I think it was if I am not mistaken.

Q What did that court do with you? A Why I don't know, I can't remember, I know we went down there before the Cherokee authority to Tahlequah.

Q Go on and tell about it. What did you tell them and what did they tell you? A We went down there and shown to them and stated about what time we returned back, that is about all.

Q You did that, did you? A Yes, sir.

Q For yourself? A Yes, sir.

Q Then what did the court do? A I don't remember now what.

Q You don't know what; is that your answer? A I know when we went down there we went down there before the court down to Tahlequah; that was when --

Q You are an intelligent man, you certainly know what they did?

A Well I aint -- (last part of answer inaudible).

Q Go on and tell me what the court said and did? (No response)

Q Do you refuse to tell me, or what? A I am just trying to tell you.

Q Well tell me? (No response)

Q You made a trip to Tahlequah for that purpose? A Yes, sir, we went down to Tahlequah.

Q Very well; go on. (No response.)

Q Are you going to tell me? A Well, I am trying to tell you as near as I came.

Q Why don't you tell me? A We went down to Tahlequah then of course.

Q You remember a great many things very particularly that occurred before that, and I want you to go on and tell me about this thing: you made a special trip for that purpose and you have rambled around and you have jumbled up your words, and you have shown far less intelligence about this than other things, and I know you

Esau Fox - 3.

have got as much sense about these things as you have about other things, and I want you to tell me the plain truth? A Well, that is what I am going to do, tell you the truth.

Q Well, why don't you do it; you stand up there on a cool day with the perspiration running off your face? A Well, I am not well.

Q But it didn't seem to strike you until you came to this court?

A No, I have been sick some years.

Steve Looney, being duly sworn and examined by Commissioner Breckinridge, testified as follows:

Q Give me your name? A My name is Steve Looney.

Q How old are you? A About 58 they call me.

Q What is your post office? A Coffeyville.

Q How long have you lived in the Cherokee Nation? A I been living here, I was raised in the Cherokee Nation.

Q Have you lived here all your life? A No, sir.

Q Where have you lived? A I have lived, that is where I am living now, during of the war of course I went out.

Q Have you lived in the Cherokee Nation all your life except along about the war time? A Yes, sir.

Mr. Mellette: Where were you during the war? A I was in Fort Scott.

Q What state? A Kansas I guess it was.

Q When did you return to the Cherokee Nation after the war? A I returned in the fall of '66.

Q Do you know Esau Fox, the applicant here? A Yes, sir.

Q Do you know when he returned to the Cherokee Nation after the war? A Yes, sir, he returned the same time I did in the fall of '66.

Q Where did you locate? A Up on the Verdigris.

Q Where did he locate? A Right up on the Verdigris right close to where I am.

Q Where has he lived since that time? A Right there.

Q That was in the Cherokee Nation was it? A Yes, sir, in the Cherokee Nation.

Mr. Davenport: You are a recognized Freedman of the Cherokee Nation are you? A Well, in some portions of it I am.

Q Is your name on the roll of 1880? A I can't answer whether it is or not.

Q Is it on the roll of 1896? A Well I never knew about that, I am on the Wallace roll.

Q I am not asking you about the Wallace roll? A Well, if you want to know them facts, it is not on the 1880 and 1896.

Q Did you apply to the Chambers Court along in '70 or '71 to be admitted as a Freedman? A I think I did.

Q What was done with your case? A Wasn't nothing done with it then I know of.

Q You never got any information that you had been rejected?

A No, sir, they just told us to go home, to go to work, that we were all right, that we were Cherokee Freedmen, Cherokee people.

Q And then you went home? A Yes, sir.

Q And worked? A Worked, been there ever since.

Q And you are not on the 1880 roll? A Well, my mother if, but I don't think I was.

Q Were you and Esau Fox at the same place in Kansas all the time?

A When we left there.

Q Did you go out together? A No, sir.

Q When did you first know Esau Fox in Kansas? A Just a little before we left there.

Q When did you leave there? A Left in the Fall of '66.

Q How do you know it was in the fall of '66? A Because the notice came out for us all to return back, come home.

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Q When did it say for you to come home? A That was in 1866, was the time they made the treaty for all the Cherokee slaves to come home.

Q You got that notice? A Well, it was just like anything else, it was being talked about and pretty near everybody got hold of it.

Q You and Esau came back to the Cherokee Nation together?

A Yes, sir.

Q Who else came with you? A Tebe Looney and old man Murrell and Esau here and Joe Ross and Jake Ross, Posey Gibson.

Q Where did you locate when you came back? A Right up on the Verdigris there.

Q How far from Goose Neck bend? A Well, it must be between three and four miles, I can't just exactly tell, they call it that.

Q Who was living there in the neighborhood when you located there upon the Verdigris? A There wasn't anybody there.

Q Was there any Indians of any kind there? A There was some few Osage Indians through that country.

Q Were there any other Cherokee families or Freedmen families living near there? A No, sir.

Q Do you know Alex Genser? A I got acquainted with him.

Q Wasn't he living there then? A No, sir.

Q Did you know Simon Love? A Yes, sir.

Q Wasn't he living there then? A No, sir.

Q Know Jim McGinnish? A No, sir.

Q And you are sure it was '66? A Well it was, I would be sure.

Q What time of the year did you come back? A Came in the Fall.

Q Was the crops gathered up there on the Verdigris? A No, they wasn't gathered yet.

Q They were about ready to gather? A There wasn't any there; I supposed you were talking about Kansas; there wasn't any crops there then.

Q Did you come by Coffeyville when you came down here? A No, sir.

Q Come by Parker? A Coffeyville wasn't built when we came there.

Q Did you come by Parker? A No, sir.

Q Parker was there then? A If it was I never seen it, there wasn't any Parker there.

Q Well, what kind of a place did you live in when you came up there on Verdigris? A Where I am living now.

Q Did you live in a house or tent and or how did you stay there?

A I built me a house when I got there.

Q Build it that winter or fall? A Yes, sir, built it as soon as I got there, soon as I could.

Q Esau built him one there? A Yes, sir, we all built.

Q Where did you and Esau live while you were building the houses?

A We were camped right on the ground where we were building.

Q Did you have a wagon? how did you camp? A Wagon, and wagon sheets, and old quilts.

Q Did you have any tents? A Well, mainly we just had old quilts or something spread over us to keep the dew off.

Mr. Mellette: How did you happen to go down to Tahlequah to that chambers' court? A Well, we got the notice there just like we did about coming back here, they said court was set there, go down there and prove up your rights, and we went down there, some several of us went, and when we went and seen Chief Bushyhead, I think it was Chief Bushyhead, I know it was, and we spoke to him, me and Jake Ross and John Morgan and some more others, and he said --

Mr. Davenport: I object to that testimony.

Commissioner: Was the Chief one of the Court?

Mr. Davenport: No, sir, he was only the executive officer of the nation.

Commissioner: He can tell of his inquiries.

Mr. Davenport: We except then.

Mr. Mellette: We read and tell about that. A We went to see him,

we were kinder acquainted with him, and so we did get to speak to him as he was coming out of his office, we told him what we had come for, and he says, ~~mayanawik~~ this Court isn't set for you, it was set to try Indians, and I think it was North Carolina Indians if I am not mistaken he named, and he says, you boys go back home and rest easy, you will never be disturbed for you are Cherokee people, and that is all we could get out of her, we couldn't get no more, and so we turned back and come home.

Q That is all you done? A Yes, sir.

Q If there was a judgment rendered against you down there do you know anything about it? A Don't know anything about it.

Commissioner: Did you make any application before the Court?

A That was all we made.

Q Chief Bushyhead wasn't a member of the Court? A I suppose he was account of being the Chief, I supposed we could get satisfaction out of him about how the Court would be.

Q Did you go to the Court itself or just have this talk? A Just had this talk, because he said the Court wasn't set for us.

Q You didn't go any further than just have that talk? A That is all.

Q You didn't go to the Court? A No, sir.

Q Didn't put your name in? A No, sir.

Q The Court then had no chance to take action about you? A No, sir.

Q Who all were with you when you went up to Tahlequah to see about this citizenship business? A If I am not mistaken in it, it was Jake Ross and myself and I think Posey Gibson was along, and John Morgan.

Q That was your crowd, was it? A Yes, sir, and Joe Ross.

Q Did you all have this talk with the Chief? A Yes, sir, we all had this talk with the Chief.

Q Did you all act the same way? A Yes, sir, we come home together.

Q Didn't any of you then apply to the Court? A No, sir.

Q Then when you came back in '66 from Kansas, what time in the fall was it, early or late.

Q It was getting cool, it was in the fall.

Q You state you were just sleeping in the main wider quilts and wagon sheets and such as that? A Yes, sir.

Q Well, what was the first work you did when you came back? A I went to work and cut me some logs and built me a house.

Q How far were you living at that time from Esau Fox? A It must be a mile or a mile and a half.

Q In the same neighborhood? A In the same neighborhood: I lived on the west side and he lives on the east side, kinder northeast.

Q Did you and he visit back and forth? A When we could cross the river we did, there was no ford there to amount to anything, we couldn't cross by wagon, only by foot or horseback.

Q How was he living over there at his place? A Living about the same way till he built a house.

Q Did ~~you~~ go to work promptly like you to put him up a house?

A Yes, sir.

Q How long was it before you and he moved into the houses? A Was not over eight or ten days before we got into it, it was a common log cabin and we made boards and covered it.

Q So in a couple of weeks after you came there you and he were both living in your houses? A Yes, sir.

Q You say he slept under anything along before he got into his house; what kind of a shelter did he have? A He had just sheets or cover, I really don't recollect, but something like a common shelter.

Q Just the same kind of shed as you had? A Yes, sir, something to keep shelter under, as near as I can recollect it.

Mr. Davenport: Did you always go by the name of Steve Looney, and have you always done that since the war? A Ever since I have been knowing myself I was Steve Looney.

Nelson Murrell, recalled, testified as follows:

Mr. Mellette: Do you know Nancy Fox, the applicant in this case?

A Yes, sir, I do.

Q Did you know her mother? A Yes, sir.

Q Did you know the master, who owned her mother? A George Murrell and his wife.

Q Were they recognized citizens, Cherokees? A Yes, his wife was a Cherokee, he was a white man.

Q He was married to a Cherokee? A Yes, sir.

Q Living in the territory? A Yes, sir.

Q Do you know when Nancy Fox, the applicant, returned to the Cherokee Nation after the war? A Yes, sir.

Q When? A Returned in '66.

Q Who did she come with? A Come with me.

Q When did she come in, ahead of Beau Fox? A No, not ahead of Beau Fox, but she came the same time, or about the same time.

Q Was it before or after? A A little before he came.

Commissioner: Q About how long before did she come? A I suppose about three months or four perhaps, I would be exact, three or four months.

Mr. Ravenport: Nelson, to whom did Nancy Murrell belong when the war broke out? A Mrs. Murrell.

Q What name? A Amanda Murrell.

Q Well, where was Amanda Murrell living at the time the war broke out? A Near Park Hill.

Mr. Mellette: What Nation? A Cherokee Nation.

Mr. Ravenport: Wasn't Amanda Murrell living in the State of Virginia? Amanda Murrell lived in the State of Virginia when the war broke out and had a sugar plantation in Louisiana at the time?

A No, sir, Mr. Murrell had a sugar plantation in Louisiana, but when the war began she lived at Park Hill.

Q Did you know her youngest son, Frank Murrell? A No, sir, he was born in Virginia.

Q Did you know R. S. Ross? A Yes, sir, I know the eldest one.

Q Did you know William F. Ross' widow, who was the sister of Mrs. Murrell? A Yes, sir.

Q And you are positive now she was living at Park Hill when the war came up? A At Park Hill.

Q Now then where did Nancy Murrell go during the war? A Went to Kansas.

Q She didn't go with Mrs. Murrell? A No, sir.

Q How did it happen that the other slaves of Murrell went with Mrs. Murrell and she didn't go with them? A I took Nancy Murrell myself.

Q And the others went with Mrs. Murrell? A Part of them.

Q Is she a relative of yours, Nancy Murrell? A Yes, sir, a little.

Q What relation is she to you? A My second cousin.

Q Now you came back to the Cherokee Nation in '66? A I come back in '66, that is when I brought my family and Nancy Murrell.

Q You didn't go back down about the old home place or anywhere down there; when you come back you didn't come back to Park Hill where you had been living with the Murrells, but located on the Verdigris river? A Yes, sir.

Q How did it happen you came to locate on the Verdigris? A I happened to go on the Verdigris river, I was trading with the Osages, and I found a good country there and I located there.

Q You were trading with the Osages when you were at Fort Scott? A Not at Fort Scott, Bourbon County, I didn't say Fort Scott.

Q You then came from there because you had been trading with the Osages? A Yes, first I hauled flour there, we traded with the Osages.

Q Who of the Osages were living up there on the Verdigris when you

Heau Fox - 13.

came back, some of their names? A Well I can't tell the Osages' names.

Q They were known by names? A Yes, sir, Otaile's crowd I think it was.

Q You had an interpreter? A I could talk a little of that myself.

Q There was no Freedman up there on the Verdigris at that time?

A Nary a one.

Q You are on the 1880 roll all right, are you, as a Cherokee Freedman? A No, sir.

Q How does that happen? A Because they dodged me for a political scheme.

Q Mrs. Murrell visited back here after the war, didn't she?

A Yes, sir.

Q All the family? A I don't know about all the family, I didn't see them.

Q Mrs. Ross was here and all of them that knew you? A Yes, sir.

Commissioner: Did you apply to the Cherokee Court in 1870 and 1871 to be admitted as a Cherokee Freedman? A Yes, sir.

Q Where was that, at Tahlequah? A Tahlequah.

Q What action did that Court take in your case? A Well, I went to Mr. Bill Penn Adams and applied through him, and he just said that he wasn't working for negroes, he was working for Cherokees by blood, and went from that to John Chambers and saw Chambers.

Q Was that the judge of the Court? A Judge of the Court, supposed to be, I don't know; and he just said to me where did I go when the war broke out, and I said I went to Kansas, and he dropped his head and then threw it up and said, Nelson, I can't do nothing for you, the north has taken you from us; that is the word he said; it would be better for you if you went south, was the word he said.

Q He considered your case, did he? A Yes, sir, that is just what he said, he told me he couldn't do anything.

Q He told you he couldn't do anything for you? A Told me he couldn't do anything for me.

Q Where was it you say you located when you came back from Kansas?

A I located up on the Verdigris in Cooweescoowee.

Q How far from where Heau Fox lives? A About a mile and a half.

Q On the same side of the river he lives on? A On the same side of the river, and on the east side of the river from Snow Creek.

Q Were you located there when Heau Fox came back from Kansas?

A Yes, sir, I had my house there.

Q Well, how far from you was it Heau Fox lived at that time, a mile and a half? A A mile and a half from me where he located himself.

Q Has he lived there ever since? A Ever since.

Q What time of the year was it he came back? A If my memory serves me right, it was in the first part of the fall of '66, I will not be certain.

Q What did he proceed to do when he came there, first? A First thing he done, he cut up some logs, cut some timber, felled them down and threw them in and put him up a house.

Q That was the first thing he did? A The first thing he did when he come there.

Q How was he living and doing before he put up the house? A He was living around amongst the neighbors.

Q Did the neighbors have houses to live in? A Some of them did; I had a house.

Q What other neighbors had a house? A Joe Ross right down from him had a house.

Q How far was that from him? A About two miles, Joe Ross I speak of.

Q And who all else had a house? A That was about all the houses that was built that there was anybody living in, if my memory serves me right.

Esau Fox - 14.

Q How long was Esau in putting up his house? A Why he wasn't more than a week at most putting up a little cabin, he didn't put up any house.

A Something he could ~~we~~ live in? A Something he could go in, shelter in.

Q A Rough log cabin? A Just a rough log cabin.

Q Before that time he lived with these neighbors who had come down and build houses before? A Camping around the best he could.

Esau Fox, recalled, testified as follows:

Commissioner: You say you applied to the Cherokee Court in 1870 or '71 to be admitted to citizenship? A Yes, sir.

Q Did they admit or reject you? A Well, they didn't take any action on it at all.

Q That is all you know about it? A That is all I know about it, they said they were not ~~making~~ doing anything for the negroes then, they were working, I think they said the North Carolina Indians, and they didn't do anything at all for us.

Q Did they ask you any questions about where you had been during the war? A No, sir.

Mr. Mellette: You said you applied, what did you mean, how did you happen to go down there? A We were here at home and they said there was a Court set there for what they called the citizenship Court, all of those that wasn't recognized was to apply to that Court and be recognized as citizens, and there was a crowd of us got ready and went down there, and I went in the Court room and talked to the judge and the judge said he wasn't working for the negroes at all, he was working for the Indians, and there would be a Court set apart for the negroes but he didn't know when, and that sent us back just like we came.

Commissioner: Who was that judge? A John Chambers.

Mr. Mellette: That is all there was to it? A Yes, sir, that is all.

Mr. Ravenport: Do you remember what year that was? A No, sir, I don't, I didn't pay any attention to it.

Q You didn't go to the Bob Daniels Court in '70 and '71? A Don't know anything about it.

Q Didn't you make application to the Bob Daniels Court in '70 and '71, to be admitted as a Freeman? A No, sir.

Commissioner: The applicant applies for the enrollment of himself, his wife and six children. The applicant is identified on the Wallace and Korns-Clifton rolls as a Cherokee Freedman, but not upon the roll of 1880 or that of 1896. He claims to have been a slave in the Cherokee Nation at the time of the breaking out of the Civil War, and the slave of a Cherokee citizen, and to have lived in the Cherokee Nation all his life, except an absence during and incident to the war. He will now be listed for enrollment as a Cherokee Freedman on a doubtful card for the further consideration of his case, and in connection therewith attention is called particularly to his statement that he came with Nelson Murrell, and again that Nelson Murrell came later than he did, and that Nelson Murrell brought his wife along, which was prior to her marriage to the applicant, she being now only 43 years of age. Murrell states that he came three or four months prior to the applicant and not with him, or after his return. Attention is also called to the applicants testimony and that of his witnesses as to there being houses and such improvements in the neighborhood where he located. It appears that the witnesses, who are

testifying for the applicant, are themselves persons who have not been admitted to the roll of 1880, and who have had, as shown in the testimony, certain experiences with the Cherokee Court of 1870 and 1871. There appears to be no question that the applicant has lived in the Cherokee Nation ever since he returned from Kansas, and therefore his case appears to turn entirely upon the date of his return, and of his qualification in consequence thereon under the treaty of 1866. His first wife is married to him, according to his testimony in 1876, which is sustained by satisfactory personal testimony, and it appears that neither of them was previously married. She is identified on the Wallace roll and on the Kern-Clifton roll, but not upon the roll of 1880 or that of 1896. Her father, Thomas Ross, is said to be a Cherokee Freedman, and to be still alive. Her mother, Winnie Murrell, is believed to have been a Cherokee Freedman, and to have died in 1865. If her father, Thomas Ross, has applied, or should apply to the Commission for enrollment, his case should be examined with reference to the case of the applicant's wife. In the absence of testimony relating to ~~himself~~ her father, the status of Nelson Murrell should be considered in connection with the rights of the applicant's wife, and it should be further noted for consideration that she being only 43 years of age at this time, and her mother having died in 1865, her rights as a minor required to be examined into. She will now be listed for enrollment as a Cherokee Freedman on a doubtful card.

As for the six children applied for ~~him~~ in the testimony, the first four are identified on the Kern-Clifton roll, but not upon the roll of 1896. These children are living, lawful marriage between their father and mother is established in a satisfactory manner, these children are now minors, and they will be listed for enrollment as Cherokee Freedmen on a doubtful card. The applicant is desired to supply the Commission with certificates of birth of the two younger children, Ruthie and Mary Fox, who are too young to be upon any roll. They also are said to be living, and they will now be listed for enrollment as a Cherokee Freedman on a doubtful card.

Bruce G. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce G. Jones

Sworn to and subscribed before me this the 6th day of June, 1901.

[Signature]

Commissioner.

Let justice be done.

Q Now has been with you some time, hasn't he? A Been with

Q Now, I know like he asked for a No, sir, I don't know, I

Q Now, I know what he said if he said that, I don't know, I

Q Now, I know what he said if he said that, I don't know, I

Q Now, I know what he said if he said that, I don't know, I

Q Now, I know what he said if he said that, I don't know, I

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Q Now, I know what he said if he said that, I don't know, I

Q Now, I know what he said if he said that, I don't know, I

DEPARTMENT OF THE ARMY
COMMISSION TO THE ARMY

Department of the Interior,
Commission to the Five Civilized Tribes,
Chelass, I.T., June 5, 1902.

In the matter of the application of Emily Looney for the enrollment of herself and her husband, Tobe Looney, as Cherokee Freedmen.

I. F. Bledsoe, attorney for applicant;
J. S. Davenport, of counsel for Cherokee Nation.

STEVE LOONEY, being duly sworn and examined by Commissioner Breckinridge, testified as follows:

- Q Give me your full name? A My name is Steve Looney.
Q How old are you? A About 58 is what I call myself.
Q What is your postoffice? A Coffeyville, Kansas.
Q Do you live in the Cherokee Nation? A Yes, sir.
Q How long have you lived in the Cherokee Nation? A Well, I was raised in the Cherokee Nation, all the time till up to the war.
Q Well, have you lived in the Cherokee Nation ever since you came back after the war? A Yes, sir.
Q Do you know Tobe Looney, the husband of this applicant?
A Yes, sir.
Q How long have you known him? A Knewed him all my life.
Q Was he a slave in the Cherokee Nation at the time the war broke out? A Yes, sir.
Q To whom did he belong? A Belonged to Betsy Looney.
Q Was she well known and recognized as a Cherokee citizen?
A Yes, sir.
Q Where did Betsy Looney live? A Lived on the Illinois River, up to White Oak Springs.
Q Well, where was Tobe Looney during the war? A During the war, why he was up to Fort Scott, Kansas.
Q Is he kin to you? A Yes, sir.
Q What kin? A He is my uncle.
Q What time after the war did he come back to the Cherokee Nation?
A We come in the fall of '66.
Q You came with him? A Yes sir.
Q To what point did you come? A We come on the Verdigris here.
Q Whereabouts on the Verdigris? A About four miles or more from Goose Neck Bend.
Q On what side of the Verdigris? A On the west side.
Q Has he lived there ever since he came from Kansas just after the war? A Yes, sir.
Q Right at that place? A Yes, sir, living there yet.
X x x x x (Rolls examined here for name of Tobe Looney)
Q How does it happen that Tobe Looney is not on the roll of 1880, do you know anything about that? A Well, all I knows, he went down to court and when we got there to apply they would tell us we were all right, to go back home.
Q That was down to Tahlequah? A Yes, sir, down to Tahlequah.
Q In 1870 or '71? A Yes, sir, must have been, the time Chief Bushyhead.
Q Who was the judge of the court? A I can't tell you, we just went to Chief Bushyhead, that was the only man we knew, and we went to get information from him.
Q Did you talk to anybody besides Chief Bushyhead? A No, sir, not any Cherokee, just some freedmen.
Q Did you talk to any official? A No, sir, we didn't.
Q And he sent you off? A Yes, sir, he said to go back and go to farming, and stay at home, you are all right anyhow, that is what he informed us.
Q Chief Bushyhead is dead, isn't he? A I don't know whether he is or not.

Q You claim to have had a conversation with him at the time?
A Yes, sir, had a conversation with him right in the yard by the capitol.

Q You didn't go into the court then? A No, sir.

Q Was Tobe Looney with you then? A No, sir, I don't think he was along.

Q Well, I am talking about Tobe Looney, I am not taking your application; did Tobe Looney go with you at that time? A Yes, sir, Tobe Looney, there was several of us along.

Q Tobe Looney was with you then? A Yes, sir.

Q Did he talk with Chief Bushyhead the same as you did?

A Yes, sir, we were all talking about him.

Q And you all did the same thing? A Yes, sir.

Q And then you turned around and went home? A Yes, sir.

Q Tobe Looney is down here in a wagon sick now? A Yes, sir, he is down sick.

Q He can't come up and give evidence for himself? A No, sir, been down for years.

Q He is bed ridden? A Yes, sir, can't get out unless we help him out.

Mr. Bledsoe: Do you know that this woman Emily Looney has been living with Tobe continuously since they were married in 1891?

A Yes, sir.

Q Up to the present time? A Yes, sir.

Q They are still man and wife? A Yes, sir.

Mr. Davenport: Steve, do you know where Tobe went during the war, or was he out? A Time of the war, he went up to Fort Scott, Kansas.

Q Was you with him? A I was up there with him.

Q Did you go with him? A No, sir, I didn't go with him up there.

Q Where was he living at the time the war broke out? A We lived on the Illinois River.

Q To whom did he belong at that time? A Belonged to Betsy Looney.

Q Did you belong to the same party? A Yes, sir.

Q When you came back you came to what point in the Cherokee Nation?

A We came on the Verdigris here.

Q How far from Goose Neck Bend? A It is about between three and four miles.

Q Well, who was living there when you came back? A There wasn't anyone living there.

Q You were the first settlers in that country? A We were the first settlers in there.

Q Wasn't there any Indians in there at all? A There was some Osage Indians.

Q You come back before Nelson Murrell came? A We come with Nelson Murrell.

Q And that was in '66 when you came? A Yes, sir.

Q What makes you remember it was '66? A Because I remember it, the word came out for us to return back in that time, pretty near everybody had it.

Q Do you know how long you stayed in Kansas after you heard that word, before you came? A Wasn't there very long.

Q About how long? A I can't say exactly how long, maybe a year and maybe not that long.

Q Stayed a year after you heard it? A I say I don't know whether we were or not, it was shortly after it.

Q Something like a year was it? A Something like that, might have been.

Q Now Steve, are you acquainted with John Kinney and Wells? A I ~~xxxxxx~~ might have seen them.

Q They live up in that country? A They do now.

Q Ed Campbell and Charlie live there now? A Yes, sir.

Q They have been living there ever since the war? A No.

Q They are Freedmen and recognized by the Cherokee authorities

are they? A Well, that is what they say they are
 Q And you say you didn't put in any application to the court there
 at Tahlequah? A Only just what I told you, just went there to see
 how that court was and get information, they said it was open to
 try people.

Q You been living in there on the Verdigris ever since the war,
 you claim? A Ever since '86 I have been living up there.

Q Are you on any of the rolls of the Cherokee Nation?

A I am on the Wallace roll.

Q I am speaking of the rolls they have recognized you on? A Not
 that I know of.

(Applicant here introduced certain documentary evidence)

Mr. Gladson: Do you know of Tobe voting in the Cherokee Nation?

Mr. Davenport: I object to that.

Commissioner: you can ask him if you have seen Tobe
 Looney voting.

Q Did you ever see Tobe Looney voting? A Yes, sir.

Mr. Davenport: Where and when did you see Tobe Looney vote?

A Well, I can't tell you just when, it was when this Cherokee court
 was in procession.

Q What Cherokee court do you have reference to? A I mean when
 we were voting for Cherokee officers.

Q He voted in Coffeyville up here? A No, voted to Coowesscoowee
 to Coose Neck Bend at the precinct.

Q You ever vote in Kansas? A No, sir.

Q Tobe ever vote there? A No, sir.

Q You don't know what year it was that Tobe voted? A No, sir.

Q Don't know who he voted for? A No, sir, I don't know, I
 think he was voting for Sam Mays.

Q Tobe has been sick for some years, hasn't he? A Been sick
 for quite a while.

Bruce C. Jones, being duly sworn, says that as stenographer to
 the Commission to the Five Civilized Tribes he correctly recorded the
 proceedings and testimony in the above stated application, and that
 the foregoing is a correct transcript of the testimony of Steve Looney
 as given in on said application.

Bruce C. Jones

Sworn to and subscribed before me this 5th of August, 1901.

[Signature]
 Commissioner.

10-22-50

Continued.

Respectfully and sworn to before me this 14th day of October, 1950.

FILED
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Chas. H. ...

... first and foremost, ... of the ...
... the proceedings in the ...
... the Commission to ...
... von Weizsäcker, ...

D-682 and D-683 and their appropriate ...

David Thomson, Charles ...
this testimony will be filed with the ...

Department of the Interior,
Commission to the Five Civilized Tribes,
Wash. D. C. October 15, 1901.

RECORDED & INDEXED
STANDARD IN THE MATTER OF THE APPLICATION OF DANIEL
THOMPSON. #616.

ADDENDUM
JAMES E. DAVENPORT, for the Cherokee Nation
Mallette & Smith for the ~~Cherokee~~ applicant.

T. A. Thompson, being first duly sworn by Com'r T. B. Needles tes-
tified as follows on the oath of the Cherokee Nation-

By Davenport:

Q What is your name? A T. A. Thompson.

Q Where do you live? A 3 miles south of Vinita.

Q What is your age? A 54.

Q How long have you lived in the Cherokee Nation? A All my life.

Q Do you know the applicant in this case, Daniel Thompson? A Yes sir.

Q Did you know him before the war? A Yes sir.

Q Do you know where he went during the war? A I think he went north

to Kansas.

Q Where did your family go during the war? A To Red River.

Q Cherokee Nation? A Chickasaw Nation.

Q When did you return to this country? A In the fall of '66, in October.

Q Did this applicant go with your family? A No never. Was with us

during the war.

Q When your family returned to the Cherokee Nation where did they

locate? A On Grand River, 12 or 15 miles east of here.

Q How far from where they had originally lived? A Same place.

Q Was the applicant there when you returned? A No sir.

Q When did you first see the applicant after the war? A Here in

Vinita, I can't tell exactly the time.

Q With reference to the time the railroad was here when was it? A

The 1st was here, I think.

Q About what year was it? A As well as I remember it was in '71 or

'72.

Q Had the applicant prior to that time ever lived on your place on

Grand River? A No sir.

Q Had you any conversation with him in regard to where he lived or

when he came back? A No sir.

Q Where was he living at that time? A On Big Creek, he told me.

Q Did he say then that he had been living on Grand River at the old

place? A No sir.

Q You had always lived at the old place since your return? A Yes sir.

Q Same place you lived on prior to the breaking out of the war? A

Yes sir.

Q Had the applicant been there after the war -- to your house? A Not

that I know of.

Q You saw him here in Vinita for the first time after the war? A

Yes sir.

Q Did he come to your house at that time? A He came to my father's

house and staid a day or two with my father.

(By Smith.)

Q What was your father's name? A Johnson Thompson.

Q Is he a Cherokee? A Yes sir.

Q By blood? A Yes sir.

Q A recognized citizen of the Cherokee Nation? A Yes sir.

Q Did he own Daniel Thompson before the war? A Yes sir.

Q Was Daniel Thompson with your father when the war commenced? A Yes

sir.

Q What time did you get back here after the war? A October, '66.

Q You came to what place? A Our old place.

Q How far from where Vinita is now? A 12 or 15 miles.

Q How old were you then? A 13 years old.

Q Just a boy? A Yes sir.

Q From the time that you came back to your old place, for the following two years, where were you? A I was there—I went to school one or two sessions at Pea Ridge, Arkansas.

Q Then you don't know if this applicant was there during that time or not, while you were away at school? A Not while I was away.

Q All you know is that the first time you saw him was in '71? A Yes sir.

Q You don't know how long he had then been in the Cherokee Nation? A No sir.

Q You don't know where he was during the war? A No sir.

(By Davenport)

Q When were you at school? A In '67, in the fall.

Q You was at home then from '66 to the fall of '67? A Yes sir.

Q You never ran the applicant there then? A No sir.

Q Never heard of him being there did you?

By MR. SMITH: I object to him stating what he might have heard.

(By Smith of witness)

Q All you know is that you never saw this applicant until in '71 or '72? A Yes sir.

Q Before that time you don't know where he was? A No sir.

DAVID STINGER, being first duly sworn by COL. T. B. Needles, testified as follows on the part of the Cherokee Nation:

(By Davenport)

Q What is your name? A David Stinger.

Q Where do you live? A On Big Creek, Cherokee Nation.

Q How old are you? A 60.

Q How long have you lived in the neighborhood of Big Creek in the Cherokee Nation? A About 25 years.

Q Do you know the applicant here, Daniel Thompson? A Yes sir.

Q How long have you known him? A Since '72.

Q Where did you first see him? A I saw him in the Territory on the east prong of Big Creek.

Q What was he doing when you saw him? A Just commenced making a farm there.

Q Did you have a conversation with him then? A Yes sir.

Q What was that conversation? A He told me that he used to live here and was owned here, and that he went to Kansas, and thought he would come back because he was owned here—thought he would come back home as he called it.

Q Did he have a family with him then? A Yes sir.

Q What year was that? A I think in '72.

Q What improvements had he made then? A Nothing, he was just in a wagon there.

Q Did he say when he had gone to Kansas? A No, I don't know anything about that.

Q Was anything else said about his having been in the Cherokee Nation before that? A I don't think there was.

Q How many children did he have there? A Two.

Q What were their names? A Sandy and Mandy.

Q Were they both with him? A Yes sir.

Q Did he afterwards make a place there? A Yes sir.

Q Where has he been living since? A Right there all the time.

Q What year was this you say he came there? A '72.

(By Smith)

Q You know that he has been living there continuously ever since '72 in the Cherokee Nation? A Yes sir.

Q How long had you been there in '72? A I came there in '71.

Q Where from? A Peoria, Illinois.

Q Had you ever been in the Cherokee Nation prior to '71? A No sir.

Q You don't know where this man Daniel Thompson was in 1870? A No I don't know that.

Q You don't know where he was in '68? A No sir.

Q Or in '67? A No sir.

Q Or in '66? A No sir.

Q Or in '65? A No sir.

Q You don't know when he first returned to the Cherokee Nation after the war? A He told me then that he had returned then from Kansas.

Q You don't know whether he had been here before that or not? No sir he said he was owned here before the war.

Q You don't know when he first came here after the war? A No sir, only that time.

Q He might have been here before that and you not know it? A I wasn't here before the time I state and can't tell nothing about except when I was here.

(By Davenport)

Q Was he living there when you came there in '71? A No sir.

Q He said he came from Kansas when you saw him there? A Yes sir, and that he had educated his children in Kansas and was moving back home.

WILLIAM NOBLE, being first duly sworn by Gen'r T. B. Needles, testified as follows on the part of the Cherokee Nation:

(By Davenport)

Q What is your name? A William Noble.

Q Where do you live? A On Big creek, Indian Territory.

Q Cherokee Nation? A Yes sir.

Q How long have you lived in the Cherokee Nation, Mr. Noble? A I think I came to the Cherokee Nation in the summer of '64.

Q How long have you lived on Big Creek? A Ever since the fall of '64 I think I went there then on in the spring of '65.

Q Do you know the applicant here, Daniel Thompson? A Yes sir.

Q How long have you known him? A Good many years, I can't say exactly how long, I think he moved in there on Big creek right close to me, I think he came from Kansas there in the fall of '73, and he has lived there ever since.

Q Did he settle a place there when he came down? A Yes sir.

Q How far from you? A Two and a half miles.

Q Do you remember seeing him when he came down there? A He was building when I first saw him, he had moved in there and commenced putting up a house.

Q Did he have his family with him? A Yes sir.

Q Children? A Wife and three children.

Q Did you have any conversation with him? A Yes sir, he told me he just moved in from Kansas.

Q Did he tell you that he was a slave here before the war? A Yes sir, not right then but after that he told me that he had been a slave of Johnson Thompson and that he was going to see him.

(By Smith)

Q When did you first come to the Cherokee Nation after the war? A In '64.

Q Were you in the army? A Yes sir.

Q When were you discharged from the army? A I was discharged, I think it was in '62.

Q In what? A '62.

Q Were you discharged before the war closed? A No sir.

Q But you think it was in '62 that you were discharged? A I believe it was.

Q In '61 maybe? A Somewhere along there.

Q Somewhere in '61 or '62? A Yes sir.

Q You testified Saturday last in the Josh Varn case didn't you? A Yes sir.

Q Didn't you say then that you were discharged in the year '65 from

the army? A I dont think I did, I think I said I didn't know exactly.

Q Didn't you in that case come back and make a correction in your testimony as to the length of time that you had been here since you came after you were discharged from the army? A Yes sir.

Q When you came back to make that correction, didn't you say that you were discharged in '85 and that you were discharged after the war closed? A I think I was discharged in '88.

Q I am not asking you when you were discharged, I am asking you what you said then? A I don't think I did.

Q When did the war close, what year? A I think it was in '61, wasn't it?

Q When did it commence? A You are just a little ahead of me when it commenced, I dont recall it.

Q You were not discharged from the army until the war was over were you? A No sir, I was discharged twice, the last time the war was over.

Q What did they discharge you for the first time? A Three years service.

Q Then you went back the second time? A Yes sir.

Q How long did you stay then? A Two years.

Q How long did that war last? A Five years, wasn't it?

Q How long was it after you were discharged the last time before you came to the Cherokee Nation? A I think it was about three years, two and a half or three years.

Q What year did you get here? A In the spring of '66.

Q You were discharged the last time after the war had closed and you didn't come to the Cherokee Nation for two and a half or three years after you were discharged from the army, is that right? A Yes sir.

Q And you are certain you were discharged from the army after the war was over? A Yes sir.

Q And you got here in '66? A Yes sir.

Q Now, how did you do that? I went from Louisville, Kentucky where I was discharged, to Iowa, and from Iowa to Kansas and from Kansas here.

Q You don't really know anything about this applicant do you? A Only from my papers, it shows that I had some trading with him in '72.

Q You dont know how long he had been here before that? A No sir.

Q You dont know when he came ~~to the~~? A No sir, except when he came to Big Creek.

(By Davenport)

Q You dont know when the war began? A No sir.

Q Nor when it closed? A No sir.

Q Had Dave Stinger come to your place before Daniel Thompson came on Big Creek? A Yes sir.

(By Smith)

Q Where did you go after you were discharged? A Iowa.

Q Where did you go then? A Kansas.

Q Where did you stop in Kansas? A Neosho Falls River, between the mouth of Cherry and Fly Creeks on a creek called Short creek.

Q Did you have any trouble up at Chetopa? A No sir.

Q Were you never arrested in Kansas? A No sir.

Q Do you remember a man named Gage in Chetopa? I dont remember, I am not acquainted with him.

Q Didn't you have any trouble with him and get arrested? A No sir.

Q Didn't he have you arrested? A I dont think so.

Q Don't you know? A I know I wasn't arrested there.

Q Have you ever been arrested at all? A Yes sir.

Q Where? A In the Cherokee Nation.

Q What for? A Cattle stealing.

(By Davenport)

Q What became of that case? A It was taken to Fort Smith and went before the Grand Jury and they didn't find any bill against me.

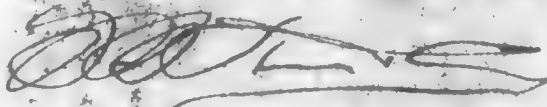
(By Smith)

Q Are you a citizen of the Cherokee Nation? A Yes sir.

This testimony will be filed with the original application of Daniel Thompson, Cherokee Applicant, D-606, and also in U. S. D. cases D-625 and D-693 and their subreferences.

Chas. von Weise, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cases and that the foregoing is a full, true and correct transcript of his stenographic notes therein.

Subscribed and sworn to before me this 17th of October, 1901.

Chas. von Weise


Commissioner.

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REPORT OF THE
COMMISSIONER OF THE
LAND OFFICE

1. The first of these is the fact that the
 2. Government has been unable to secure
 3. the necessary funds to carry out its
 4. policy of non-interference in the
 5. internal affairs of the country.
 6. The second is the fact that the
 7. Government has been unable to secure
 8. the necessary funds to carry out its
 9. policy of non-interference in the
 10. internal affairs of the country.

TRIBES.

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(1) The first of the two main groups of the population is the "white" population, which is the majority of the population. The second group is the "black" population, which is the minority of the population.

Strep. pneumoniae and St. aureus and the other bacteria. The
antibiotic of choice is penicillin. If the patient is allergic to
penicillin, erythromycin or tetracycline can be used. The
antibiotic of choice for the treatment of the child is penicillin.
If the child is allergic to penicillin, erythromycin or tetracycline
can be used. The antibiotic of choice for the treatment of the
adult is penicillin. If the adult is allergic to penicillin, erythromycin
or tetracycline can be used. The antibiotic of choice for the
treatment of the elderly is penicillin. If the elderly is allergic to
penicillin, erythromycin or tetracycline can be used.

[illegible]

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T. October, 28th 1901.

In the matter of the application of Abraham Ward et al., C. F. D. No. 407
SUPPLEMENTAL TESTIMONY

Appearances:

V. W. Hastings for the Cherokee Nation.
Mollette & Smith for the applicants

By Mr. Hastings: I desire to file a certificate from J. A. Gady, County Clerk of Linn County, Kansas, showing that from the assessment rolls of Mound City Township in Linn County Kansas, for the year 1867, there appears the following: "Peter Ward, one Female dog."

By Mr. Smith: The applicants object to the introduction in evidence of the above mentioned instrument, because it appears from the face that the same is not a certified copy of any record, but a statement of one J. A. Gady, certified to by him, the same not being within the rules of law in this jurisdiction in regard to the introduction of certified copies of records, and not being the best evidence, and for the further reason that the person named therein is in no way identified with the applicant in this case.

By Commissioner C. H. Breckinridge: The document in question will be filed in this case, the objection of counsel for the applicant will be noted and the matter will receive the further consideration of the Commission.

===== (COPY) =====

State of Kansas: ss.
County of Linn :

I, J. A. Gady, County Clerk within and for the above named County and State, do hereby certify that I have examined the Assessment rolls of Mound City Township in Linn County, Kansas, for the year 1867 and find that Peter Ward is listed on said rolls as follows: "Peter Ward, one Female dog." said entry is on page 75 of said rolls. Said assessment rolls were filed in the office of said County Clerk on July 1, 1867, and said assessment and list of property owners was taken during the month of March, 1867, and based upon residence of said County for March 1, 1867, by said assessor.

Witness my hand and official seal at Mound City, Kansas, this 28th day of October, A. D. 1901.

(Signed) J. A. Gady
(SEAL) County Clerk of Linn County, Kansas.

=====

By Commissioner Breckinridge: In the matter of the foregoing alleged certificate of the records of Linn County, Kansas, it is directed that copies of the alleged certificate and the objection to their filing of Counsel for the applicants, be filed in the case to which this case refers and all subreferences thereto as found upon the records of this Commission.

Chas. von Waise, being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the above proceedings, and that the above copy of the certificate filed in this connection is a true and correct copy of the original, and further that the above is a full and correct transcript of his stenographic notes in said proceedings.

Subscribed and sworn to before me this 28th of November, 1901.

Chas von Waise
[Signature]
Commissioner.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., April 15, 1902.

In the matter of the application of Nelson Murrell et al. for
enrollment as Cherokee Freedmen.

APPEARANCES:

Applicants represented by Mellette & Smith, Vinita, I. T.
Cherokee Nation represented by W. W. Hastings.

W. H. NICKEMS, being first duly sworn, testified as fol-
lows:

MR. HASTINGS: What is your name? A W. H. Nickems.

Q What is your age, Mr. Nickems? A 64.

Q What is your postoffice? A Fort Scott.

Q Kansas? A Yes, sir.

Q Where were you living when the war closed? A When it closed?

Q Yes, sir, say in '65? A I lived five miles west of Scott.

Q You mean Fort Scott? A Yes, sir, Fort Scott, in Bourbon County.

Q Were you married then? A Yes, sir.

Q Living on a farm? A Yes, sir.

Q Did you know a colored man by the name of Nelson Murrell? A
Yes, sir.

Q When did you learn to know him? A It was about the latter part,
I don't know just exactly what month it was, of '65.

Q Was he living in the country or in town? A He was living in the
country.

Q On whose place, do you remember? A On Isaac Allen's place.

Q How far did you live from him? A Oh, hardly half a mile, I
would say half a mile.

Q Did you know Joe Ross? A Yes, sir.

Q Where did he live? A Why it was said that he lived with his
father-in-law, I believe they called him.

MR. SMITH: I object to anything that was said unless you know
Nelson was his father-in-law.

MR. HASTINGS: Well, you knew him anyway? A I knew him.

MR. SMITH: The counsel for the applicant objects as to the
witness's statement as to where Joe Ross lived because he does not
state from his own personal knowledge.

MR. HASTINGS: You do state of your own personal knowledge that
you knew him? A I knew him.

Q And he lived around there somewhere? A He lived, he stopped---

MR. SMITH: I object to that because it is a leading question.

MR. HASTINGS: He stopped there where his father-in-law lived.

MR. HASTINGS: How long did you continue to know Nelson Murrell,
how long did he live on that place, Allen place? A I think he
moved in '66, about the first of the year, it might have been that
it was a little later or a little earlier.

Q First of what time? A '66.

Q Of '66? A It might have been that it was just the latter part
of '66 that he moved; I knew that he lived there right on the same
place till he moved.

Q And where did he move to? A He moved about four miles and a half
west of me on a farm that was known by John Todd's farm.

Q Did you live between him and town at that time after he had moved?
Yes, sir.

Q Did you ever have occasion to see him after that time? A Yes,
I saw Nelson after that.

Q Well, for how long did you continue to see him? A It was in '67 sometime; I don't recollect just what time it was. I see him often passing backwards and forwards; he lived west of where I lived and the road that they travelled from Marmaton to Scott, Fort Scott, why passed right by my place, part of the time passed right in front of my house, and part of the time there was another road just west of my house a half a mile. I see him passing backwards and forwards.

Q Did you ever see Joe Ross after he moved away from the Allen farm? A Yes, sir.

Q Well, how long did you continue to see him up there? A I think it was in '67, the last that I ever recollect seeing of him; I might have seen him later than that.

Q You might have seen Nelson Murrell later than that? A Why I might have.

Q That's as late as you remember? A Yes, sir.

Q Do you know what finally became of Murrell, where he went to from that country when he left? A No, sir.

Q Do you know where he claimed he was from? A He claimed he was from the Nation.

Q How far was that from the Cherokee Nation? A Which?

Q Marmaton up there? A Marmaton, I don't know what the distance is from here to Marmaton.

Q Well, up from the line at Chetopa, Kansas? A I don't know just how far it is.

Q Well, it isn't the same tier of counties, don't border on the Nation line does it? A No, sir.

MR. SMITH: I understand that you are not certain about the time that you last saw Nelson Murrell, the man that you talk about, in Kansas; you couldn't tell us the date that he left? A No, sir, I saw him in '67.

Q How about Joe Ross? A I saw him in '67.

Q Which was the older of the two men? A Nelson.

Q Was he a married man or a single man, Nelson? A Married man was what was my understanding.

Q Well, did you know his wife? A No, sir.

Q Don't know what her name was? A Do not.

Q Where have you been living now ever since that time? Ever since the war closed? A Living on a farm that I bought in '65, five miles west of Fort Scott, and still remain there.

Q Were there a good many or just a few colored people in that country at the time the war closed? A Yes, sir, quite a good many.

Q Do you remember when all of them left or when each one left? A I don't remember just when they left there, there is quite a good many of them that I know.

Q Well, you don't know if it's true that you saw Nelson Murrell in '67 you don't know where he was all of the time during '65 and '66 do you? A Well, I think I do.

Q Well, do you know it? A In '65 he lived on the Allen place in a half a mile of me, and I don't know but he remained there up to '66; I rather think he did.

Q He may have left there sometime during the year of '65? A Yes, sir, he might have done, but I think it was the latter part of '65 or perhaps it was the first of '66.

Q Well, all you can testify to is that you saw him there in Kansas as late as '65, you don't know where he was before that all of the time? A No, I don't know where he was, but I knew where he lived or where they said he lived, I don't know just where he was.

Q You don't know where he lived except from what was said? A Yes, sir, I knew where he lived, he lived on the John Todd farm, and he lived on the Allen farm that I knew of from '65 to '67.

Q And he lived on the John Todd farm when he lived there? A Yes, sir.

Q Well, did you see his house? A Yes, sir.

Q See him? A I seed his house.

Q You didn't see him though on the John Todd farm? A I see the house on the John Todd farm, and my understanding was that Nelson lived there.

Q That was just your understanding; you didn't know it personally?

A Oh I seed them about the place, I knew them well enough when I was passing there, I knew them when I seen them.

Q Why of course you knew them, but did you see them when you was passing there? A Yes, sir.

Q Well, who did you see? A I see Nelson there.

Q Who else? A Why I have seen the family.

Q Well, you didn't know his wife? A No, sir.

Q Well, you don't know whether you saw her or not? A No, I don't know whether I saw her or not.

Q Well, all you really know as to the John Todd place is what people said about where he lived? A Why he certainly lived there.

Q Well, do you know it of your own personal knowledge? A No, sir, I wasn't in his house, no, sir.

Q That is your occupation? A Farmer.

Q Live in Kansas? A Yes, sir.

Q Lived there ever since the war closed? A Yes, sir.

Q Well, now, how is it that you could remember that long about the movements of these colored people? A They was part of the people that worked for me.

Q Well, did Nelson work for you? A No, sir.

Q Well, then the fact that the other colored people worked for you wouldn't have anything to do with your remembering Nelson? A I was right in his yard, the road passed almost right through Nelson's yard, also the road passed right to his house when he lived on the Todd farm.

Q Well, Mr. Nickens, how long had it been since Nelson Murrell had moved from that community until you were called upon to remember it, until you were asked how long had he been gone when you were first asked about the date; how long had he been gone? A Why I don't recollect, my recollection is just that I knew about the folks.

Q Well, nothing was said to you one way or the other about the time he left until a short time ago, was there? A Why I knew what time, or about the last time I seed him, I don't pretend to say that he left at that time, but the last time I do say that I saw him was in 1867.

Q Well, how many years elapsed before you had a conversation with anybody relating to the time he left? A I couldn't tell you just exactly how many.

Q Well, was it thirty or thirty-five? A Oh twenty-eight or thirty years, some place along there.

Q Well, then, if it was twenty-eight or thirty years, with whom did you have the first conversation about that date? A I don't know as I recollect who I told, we might have talked about these folks, because there were parties of these folks that worked for me.

Q Well, there was Nelson, you wasn't talking about him, he didn't work for you did he? A No, sir.

Q Who did you first talk with about Nelson Murrell twenty-eight or thirty years afterwards? A The first talk I had was last fall I believe in regard to Nelson.

Q Well, who did you have that talk with? A Well, with, I can't recall the man's name, but he is an officer of Scott, Fort Scott, Kansas, I think, sir.

Q Well, you didn't remember then just when Nelson had left there did you? A I knew that he left there in '67.

Q What means did you have to refresh your recollection, if any, as to the time when he had gone? A I see the man in '67, and I saw him in '67, my recollection is good enough to know when I saw

a man at that time why I don't forget it.

Q You didn't have any business transaction with him at all, did you, with Nelson Murrell? A No.

Q Now about thirty years afterwards you just remember, dry so, whether he had left there in '85 or '87? A I recollect that is the last that I saw him, I don't know when he left there, but the last time that I saw this man was in '87 and I saw him in '88.

Q You had nothing to fix that on your memory just except your general— A I was very well acquainted with Joe Ross, and he kept me posted on his father-in-law.

Q Well, now, tell me how Ross kept you posted about Nelson Murrell?

A Well, Ross worked for me some, swapped horses with him at one time.

Q Joe Ross? A Yes, sir, Joe Ross.

Q Well, is that all—in that the only time you ever swapped horses up there? A Oh no, no.

Q Who else did you ever swap horses with? A I don't know, I used to trade horses considerable.

Q Can't tell all the people you traded with? A Could tell part of them.

Q Can you tell me anybody else you traded horses with in '67 and '68? A Oh, traded a good many times, you recollect about '85 it was trading part of this country.

Q Well, I don't recollect much about it. Nothing at all to fix that particular time on your memory with regard to Murrell further than you have stated here in your testimony? (No response)

Q Was there anything now to fix the time when you last saw Murrell further than that you have stated in the testimony which you have given? A I don't know of anything anything more than just what I have given.

Q Do you remember when the Commission sat at Vinita, Indian Territory, up here in the Cherokee Nation, taking testimony in these cases? A I do not.

Q Where were you last October? A Where was I? I was at home, sir.

Q Was that about the time that they were talking to you about this case? A I don't recollect.

Q Well, do you know whether it was earlier or later? A I think it was along in the fall.

Q You don't know whether it was earlier or later than October?

A No, I don't just recollect.

JASPER FORTNEY, being first duly sworn, testified as follows:

MR. HASTINGS: What is your name? A Jasper Fortney.

Q What is your age, Mr. Fortney? A I am nearly 65, 64 past.

Q Mr. Fortney, do you reside in Kansas? A Yes, sir, Fort Scott, Kansas.

Q What your postoffice? A Yes, sir.

Q Do you live right in town? A Yes, sir.

Q I will ask you to tell the Commission when you came to Kansas, when you located there? A We landed in Bourbon County, Kansas, on the 3th day of April, 1888.

Q How far from Fort Scott? A Eight miles.

Q What direction? A West.

Q How far was that from either the town or the river at Hannatont? A Two miles from the Bend out there, one mile from the river; the river runs in a northwest direction there.

Q Did you know a man by the name of Todd? A John Todd, yes, sir.

Q Did he own a farm out there? A Yes, sir, several of them.

Q Did you know a colored man by the name of Nelson Murrell? A Yes, sir.

Q Then did you learn to know him? A The year of 1888.

Q How soon after you landed there? A Oh I should say, speaking at random, immediately.

Q Immediately? A He lived a quarter of a mile west from where we

IN WITNESS WHEREOF

Q On John Todd's farm. A Yes, sir.

Q Did you know Joe Ross? A Yes, sir.

Q Where did he live? A He lived in the same house with Nelson Murrell.

Q How long did you continue to know Nelson after you located there? A Until the fall of the year '88.

Q What year '88? A I think that is the time, sir, that is the year of my remembrance.

Q How long were you there on Todd's place? A Yes, sir.

Q How many years of '88 and '89? A I think so.

Q Did you know his wife? A Yes, sir.

Q Do you remember her name? A Murrell's wife.

Q What name? A Eliza or Liza we always called her, Aunt Liza.

Q Did you know Joe Ross's wife? A Yes, sir.

Q What was her name? A Sarah.

Q They lived there together? A Lived in the same house.

Q Do you know what became of Murrell, this Nelson Murrell that you speak of? A He left there to come to the Nation, this country was then known with us as the Nation, down to the Nation.

Q Well, did you ever hear of him being down here afterwards? A I have heard of him; I never saw him. Moved onto the Verdigris River in south, nearly south, of Coffeyville.

MR. SMITH: I object to that because it does not appear that the witness is testifying from his own personal knowledge.

MR. HASTINGS: You only heard of that? A Only heard about it.

Q Through whom did you hear it? A Through my brother.

Q Did your brother know him up there? A Yes, sir.

MR. SMITH: I move to strike that out, being hearsay.

MR. HASTINGS: It is a circumstance by identification.

Q He lived in about a quarter of a mile did you say of you? A Yes, sir.

Q Were you married at the time you moved there? A Yes, sir.

Q Is your present wife? A Yes, sir.

Q How long have you been with her? A Yes, sir.

Q Did Murrell or his wife either work for you some? A Yes, sir. Murrell occasionally helped us a little. Murrell would help on our farm and help when we needed help, and his wife helped our women with the housework.

Q Where did you come from to Kansas? A West Virginia.

Q And you weren't in Kansas then prior to April, 1868? A No, sir.

Q How did you get acquainted with Nelson Murrell after that time? A Yes, sir.

Q What is your occupation, Mr. Fortney? A By profession I am a civil engineer, not doing much of anything now.

Q In the past that age? A I am not able to.

MR. SMITH: Well, this man Murrell that you speak of, you don't know where he was of course in '85? A No, sir.

Q Not '86? A No, sir.

Q You don't know when he made the first trip that he made to the Cherokee Nation? A No, sir.

Q Well, at the time you knew him did you know where his family lived, have you ever been to the house? A Oh many a time.

Q Didn't own any farm there did he? A No, sir.

Q Well, what kind of work was he doing? A Farm work.

Q What kind of work did he do for you? A Helped us with the farm work, making fence, helped to thresh, and so on.

Q What kind of employment did you give him, by the day, week, month or year? A By the day usually.

Q By the day? A Yes, sir, I think so. Because he worked no considerable length of time at any one time continuous service.

Q Well, what kind of work did his wife do for your family? A Worked by the day, I think, sir.

Q Washed did she, or cooked, or what? A Did washing and helping clean house and so on, women's work.

Q By the day? A By the day, I think so, sir, the women usually employed their help and did the paying also: but she, like her husband, worked no considerable time continuously for us.

Q Now what was her name you say? A Eliza, sir, we called her Aunt Eliza in speaking to her.

Q How old was she at that time? A How old was she?

Q About, yes, sir: was she a young woman, or middle-aged or old?

A Middle-aged I would say, 40 or 45 years old.

Q Well, then, all you know about it is that after you went to Kansas you saw this man in Kansas, and that he worked for you, and his wife worked some for you by the day? A Yes, sir, and that they were there continuously for nearly two years, residing there.

Q Well, how far did they live from you? A About a quarter of a mile.

Q During two years? A We came there on the 6th day of April, 1864, and they were there I think late in the fall of '66.

Q At the same place? A At the same place in the same house, sir. Ross, Merrell, and their families all residing in the same house.

Q On whose farm? A John Todd's.

Q Well, what were you doing at that time? A I was farming.

Q How long did you continue to farm? A After that?

Q Well, just from the time you went there? A Well, most of the time for fifteen years; no, I will correct that, 12 years.

Q For the first two or three years after you went there were you farming continuously? A Continuously, yes, sir.

Q On what farm? A On the farm belonging to my father and brother, adjoining the one on which Merrell and Ross lived.

Q Was Merrell there all of the time during that time? A He resided there all the while, sir, he might have been away temporarily, I can't say.

Q Do you remember whether he was away at all or not? A No, sir, I don't remember after that.

Q Well, why do you say he resided there all of the time? A His family was there, that was his home.

Q And because this woman whom you called Aunt Eliza was there that you say he resided there? Is that correct? A Oh, he had his shop there, he had his farm tools there, and stock, he had some little stock, cows, I think, and horses, they was there.

Q Was he an old man or a young man? A I would think he was near 50 years old.

Q Where? A At that time, 45 to 50, somewhere along there.

Q Have you ever seen him since he left there? A No, sir.

Q You don't know whether it was the same man who applies in this case or not? A Nothing only the name, sir, that is all.

Q Did he always go by the name, the man you knew, by the name of Nelson Merrell? A As far as I know he did, yes, sir.

Q You never knew him by any other name? A No, sir.

Q So far as you know you don't know where he went to when he left there of your own personal knowledge? A Only what he told me.

Q What he told you? A Nelson Merrell.

Q I thought your brother. A You asked me if I had seen him, I said I hadn't since that time, and I don't know where he resides further than what my brother said. But I did know where he said he was going.

Q Who did he say it to? A I said it to me.

Q When? A Just before he came down into the Territory.

Q Well, who came with him if any one? A Joe Ross, his son-in-law, and family.

Q That about the woman Aunt Eliza, did she come? A Yes, sir.

Q Now when did you say that was? A Fall of '66 I think, sir.

Q The fall of '66? A Late in the fall of '66 that they came down.

to this country or to the Territory, I won't say this country.
Q Well, what makes you so positive that it was that long after you first came to the country that they left? A Because, sir, Nelson Merrell had grown a crop, grown on John Ross's farm, in '69, and my brother and I helped to harvest it and helped to thresh it, and so on.

Q In '69? A My brother put the harvest for him; I helped in the field as a harvest hand.

Q When did you first think about the time he had left afterwards; how many years had it been? A I don't know that, sir, I don't know when I first thought about it.

Q Well, you have had some conversation about it since I suppose?
A Not until—nothing more than my family and I might speak of Aunt Liza or Uncle Nelson, or hear indirectly something from them or something of them, why it might come up, I don't know that there was anything else to bring it up especially.

Q Well, with whom did you first talk as to the date, when did you first get to talking about the date that he had left there with anyone for the purpose of fixing the time in your mind? A I don't know when I first did, sir, may have spoke of it many times in the last thirty years.

Q Well, do you remember when the Commission was enrolling freedmen down here in the Cherokee Nation in about '85, Kern and Clifton Commission? A Oh, I may have read of it or heard of it.

Q Were you a witness then at that time? A No, sir.

Q Well, now when you first were asked about what you know about Nelson Murrell how long had it been since he left there, how many years had elapsed, that's what I want to know, you see what I am asking you? A I was interrogated within the last four or five or six days, I will say a week; a gentleman came to see me to know if I knew anything of Merrell, and if I knew when he left, if I knew who his wife was, if I knew Joseph Ross, and if I knew his wife. Those questions have been asked me, yes, sir; and I answered affirmatively.

Q Well, was the inquiry with regard to Merrell, as you state, or Murrell; you said Merrell as I understood you? A Well, sir, Nelson Murrell.

Q How would you spell it? A I don't know, sir, I don't know that I ever spelled it or was asked to.

Q Well, would you say that it was Murrell or Merrell? A Well, after studying it over I would say if I was going to spell it that it was M-u-r-r-e-l-l.

Q Then you were mistaken when you said Merrell? A Well, it was probably a mistake in pronunciation, yes, sir, you and I might pronounce it differently.

Q Well, if it was spelled M-u-r-r-e-l-l you wouldn't call it Merrell, would you? A It might be thus pronounced.

Q Well, how would you get Merrell out of M-u-r-r-e-l-l? (No response)

Q Well, now, it had been when you were interrogated, as you speak of, something more than thirty years, hadn't it? A '82 and 30 would be '92; yes, sir, thirty years, over thirty years since he left there.

Q Did you have anything by which to refresh your recollection in books or papers? A No, sir.

Q Well, now could you remember exactly the year that you and your brother had harvested a particular crop for thirty years back without anything whatever to assist you in arriving at that date?

A Well, sir, I can answer that by saying that if I never did a job for a man except one time, and that was in the year that he left the country when that work was done, that I could arrive at a definite time.

Q Well, did you ever do any other work for any other one man who left the country at any particular time? A I don't remember.

Q Well, in what way now were you able to arrive at this particular

date thirty years after it happened? A Simply by my own remembrance, that is all.

Q By your own remembrance? A Yes, sir, I have nothing by which to refresh my memory or anything of that kind.

Q You don't think you could be mistaken about it? A No, sir, I think not.

Q How was that? A I think not.

Q Well, are you sure? A I am as sure of that as I could be of anything else transpiring that long since, that's my remembrance.

Q That's the best of your recollection at this time? A Yes, sir.

Q You couldn't say as positively that that was true as you could about something that happened yesterday or last year, could you?

A Well, pretty nearly in this case; I don't think that there is anything that vitiates my remembrance at all of the time of his leaving there, and the time we went there.

Q How many colored people do you suppose left that country since you went there? A I don't know.

Q Many or few? A I suppose there have been a good many that have left there by death and otherwise.

Q Can you give the dates when they left, all of them? A I didn't have any business with them, therefore I wasn't intimately acquainted, not very intimately acquainted with them, I have known them, seen them.

Q Then you couldn't tell about the time when the majority of them went away? A No, sir.

Q What time in the year did you arrive there yourself? A 6th day of April, 1888.

Q Who did you bring with you? A Brought my family, and my father and his family.

Q Your wife and your own family and your father and his family?

A Yes, sir.

Q Did you move away from that immediate country afterwards? A No, sir, have never lived in that country ever since.

Q Well, did you ever do any civil engineering after you went there?

A Yes, sir.

Q About there? A Several times in my time; worked for this railway, some for the Great Railway, we called it the Memphis, the Frisco it is now, and the Missouri Pacific Railway Company.

Q Commencing about how long after you went to that county? A I was county engineer elected in 1889, and was the county engineer for four years and deputy engineer for four years more, did the work.

Q Well, up to that time had you done anything except farm work?

A No, sir, very little civil engineering prior to that time.

Q Did Bent and Murrell live there together? A Yes, sir.

Q See from start? A Well, I knew when they did start, but whether I saw the wagons start when he left the house or not I can't say now. I knew they were getting ready to start and that they did leave.

Q What did they take with them? A Took their families with them.

Q What else? A What little stock they had I think.

Q Well, how much did that consist of? A I can't answer you now, I can't remember as to that.

Q Didn't seem to be much of a job for them to move did it? A They came in wagons, had two wagons I think.

Q Had two families? A Had two families.

Q Took one wagon to move what one family had? A Yes, sir, I guess that about the amount of transportation they had.

WESLEY FORTNEY, being first duly sworn, testified as follows:

Q Now, please state what is your name? A Wesley Fortney.

Q What is your age, Mrs. Portney? A 63.
Q Is Mr. Portney, who just left the stand, your husband? A Yes, sir.
Q Your postoffice is Fort Scott, Kansas? A Yes, sir.
Q Do you live in town? A Yes, sir.
Q Where were you born? A West Virginia.
Q Were you living in West Virginia during the late Civil War?
A Yes, sir.
Q Were you married before or after the war? A Married just before the war broke out.
Q When did you come to the state of Kansas? A The spring of '68.
Q Your husband come with you? A Yes, sir.
Q Where did you first locate? A Near Manhattan.
Q In the country? A Yes, sir.
Q On a farm? A Yes, sir.
Q Did you ever know a colored man known by the name of Nelson Murrell? A Yes, sir.
Q Did you know his wife? A Yes, sir.
Q Did you know a colored man by the name of Job Ross? A Yes, sir.
Q Did you know his wife? A Yes, sir.
Q About how far did they live from you after you located there?
A Well, I would say about a quarter of a mile just measuring at it.
Q How long after you came there did you become acquainted with them, learn to know them? A Well, almost immediately, because they were our nearest neighbors, and they talked for us.
Q Were they living there when you moved there? A Yes, sir.
Q How long did they continue to live there? A Well, the year of '68, and I think the fall probably of '69, at least I won't go any further than that. I am quite positive that they were there until the fall of the next year.
Q Of '69? A Yes, sir.
Q Live there on this same place where you found them? A Yes, sir.
Q And you lived there on an adjoining place a quarter of a mile distant? A Yes, sir.
Q That was out in the country was it? A Yes, sir.
Q Do you know where they went when they left there or where they said they were going? A Well, I know that they said they said they were going to the Nation, and further than that.
MR. SMITH: I object to that, I want to know who said that.
MR. HASTINGS: Well, any of Murrell's folks? A Well, yes, sir, they all talked of it, and of course we were anxious to know about their moving away.
Q Was that while they was making the preparations for their removal? A Yes, sir.
MR. SMITH: Well, I object to that because the statement of no one who is not a party to this action can be taken.
MR. HASTINGS: These are the same parties.
MR. SMITH: Well, I don't think so. Counsel objects to the statement made by any other person except the party to this suit.
MR. HASTINGS: (To witness) They said they were coming to the Nation? A Yes, sir.
MR. SMITH: That question is objected to.
MR. HASTINGS: You never saw them after that time? A No, sir.
Q Did the women folks talk for you? A Yes, sir.
Q Did you know Murrell's wife's name at that time? A Yes, sir, Sarah. I think was that they called her.
Q Did you know Job Ross's wife's name? A That was Sarah, yes, sir.
Q Well, did you know Nelson's wife's name? A Yes, sir, that was Eliza, was Aunt Eliza we called her.
Q You know whether Mrs. Murrell was any relation to Job's wife or not? A No, sir. I don't know.
Q You don't know the relationship, then? A No, sir.

Q Did you see them frequently? A Yes, sir.

Q Could you see their house from yours? A Yes, sir.

Q Plain sight? A Yes, sir.

Q Across the field was it? A Well, we would have said down the road.

Q You came to Kansas from West Virginia in the spring of '82? A Yes, sir.

MR. SMITH: Well, how long now after Nelson Murrell had left Kansas before any discussion of the time when he left came up how long? A I heard nothing at all about it until recently.

Q Well, about how recently? A Well, I don't think it's been more than a week or two weeks.

Q Well, then at that time if you have any recollection as to the time he had left there or did you have to look it up or talk with your husband or someone else about it? A No one at all. What I know, of course I am just telling you what I know.

Q Well, what I am talking about now after this time had elapsed, after that many years had gone by, did you remember it or did you have any way by which to refresh your recollection? A Remember it, sir, quite well, just as I am telling it.

Q That was about how long, something over thirty years after they had gone away, wasn't it? A Thirty years.

Q Something over that I say? A Well, no, we had been here, let me see, we came here the spring of '88, April, '88, and then in 1902, let's see how long.

Q Well, now, during all that time did you keep it in your mind that they left there in a certain year during a certain year; what I want to know is why and how that was fixed upon your mind, that particular date when they left? A Well, I was just thinking about how long we had lived there, how long they had worked for me, and I am not positive as to the second year, sir, at all; but I think the fall. I can just remember of seeing the covered wagons just as well when they were all getting ready, and I knew it was rather cold weather, I think it was very late in the fall when they moved away; I don't know just exactly, I am not positive as to the time they left just exactly.

Q Well, are you positive as to the year? A Yes, sir, I am positive as to that.

Q That time in the year did you get there? A The 6th day of this present--in April.

Q You never have seen that man Murrell since that time? A No, sir.

Q Nor Ross? A No, sir.

Q You don't know whether they are the same persons who are applying at this time for admission or not? A I don't know, did you say?

A I don't know; well I presume so.

Q I know; but what do you know about it; I don't want to know what you presume, but what you know? A Well, yes, sir, I could say they were the same parties.

MR. HASTINGS: Comes now the representative of the Cherokee Nation and moves that this testimony be filed with and made a part of the record in the following cases, for the reason that these parties claim to have returned to the Cherokee Nation after the war along with and at the same time that Nelson Murrell came, as follows: Joe Ross, F. D-542; Jacob Ross, F. D-539; Esau Fox, F. D-509; and Steve Rooney, F. D-512; together with the cases in which the testimony of these last mentioned parties is therein, which are as follows: D-550, D-552, D-758, D-521, D-478, D-479, D-544, D-549, D-551, D-789, D-541, D-540, D-543, D-545, D-538, D-547, D-537, and D-521, in addition to the case at bar.

MR. SMITH: The counsel for the applicants objects to this testimony being made a part of the record in any case except in those cases in which the cases have already been connected, because

the statements of the witnesses examined in this particular case today as to the time when Nelson Murrell left Kansas as they claim would not affect the cases of other persons because this record does not show that Nelson Murrell made only one trip to the Cherokee Nation; and further, the testimony taken in this particular cause upon notice to this particular applicant would not be competent testimony in the other cases in which it is sought to be made a part of the record.

MR. HASTINGS: The record shows that proof of notice to take testimony was had and filed upon the attorneys for the applicants in these five leading cases, being Nelson Murrell, D-548, Joe Ross, D-542, Jacob Ross, D-532, Steve Looney, D-539, and Nemi Vay, D-508, and the testimony heretofore taken in these cases and introduced by the applicants themselves is to the effect that they all returned and moved to the Cherokee Nation together after the war; that they came along in the same crowd with Nelson Murrell and Joe Ross, about whom the witnesses introduced today testified, and for that reason the testimony of these witnesses is relevant in all of these cases.

Arthur G. Croninger, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the testimony and proceedings in the above case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Arthur G. Croninger

Subscribed and sworn to before me this 15th day of April, 1902.

J. F. Kuster
Notary Public.

[illegible]

1. The first of the three is the "General
 2. Information" section, which contains the
 3. following information:

D-209.

Approved: _____
Special Agent in Charge

[illegible][illegible]

C. F. D-508.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., April 15, 1902.

In the matter of the application of Esau Fox for the enrollment of himself and others as Cherokee Freedmen.

APPEARANCES:

Mallett & Smith, Vinita, I.T., attorneys for applicants.
J. S. Davenport, attorney for the Cherokee Nation.

G. W. ARMSTRONG, being first duly sworn, testified as follows:

MR. DAVENPORT: What is your name? A G. W. Armstrong.

Q Where do you live, Mr. Armstrong? A Live in Bourbon County, Kansas.

Q How long have you lived in Bourbon County, Kansas? A 45 years.

Q What is your postoffice? A Well, my postoffice now is at Port Scott.

Q Well, what was your postoffice before that? A Harding.

Q About what year did you move into that county, Mr. Armstrong?

A Moved in there just about '59.

Q Were you living there during the war? A Yes, sir.

Q Were you living there after the close of the war? A Yes, sir.

Q While you were living there and after the close of the war did you get acquainted with a colored man by the name of Esau Fox?

A Well, I see him. I hadn't no very intimate acquaintance, but I saw him often, lived about three miles from me.

Q About when did you get acquainted with him, about what year I mean? A '52 or '53.

Q How long did he continue to live in your neighborhood after you got acquainted with him? A Well, now, I couldn't say as to that. I never paid no attention to it, but he might have lived there as long as '67 or '8.

Q Was he living there when the war closed, did you see him there after the close of the war? A Yes, sir.

Q On whose place, do you know whose place he was living on when you first got acquainted with him? A He lived on the Wilson place, was then.

Q When he moved away from there did you learn from general information what other farm he moved to or not? A Well, I think he left the county. I don't know. I lost him when he went away from there.

Q You didn't know anything more about him when he left there?

A No, sir.

Q What year do you think he left there as near as you can come?

A It might have been probably '67 or '8, along there, I couldn't say what year because that's something I never tried my mind with at all.

Q Did you know any of his family, did you know whether or not he had a family when he was living there? A Well, he had a wife, I don't know that he had any children, I couldn't say as to that.

MR. SMITH: You don't know when he left? A No, sir, I wouldn't be positive about that.

1078:

JESSE M. PERKINS, being first duly sworn, testifies as follows:

MR. DAVENPORT: What is your name? A. Jesse M. Perkins.

Q. Where do you live, Mr. Perkins? A. Bourbon County, at Mapleton, Bourbon County, Kansas.

Q. How long have you lived in Kansas? A. Since the fall of '61, December.

Q. Well, now, when you went there, went to Kansas in '61, did you go to the same neighborhood in which you now live? A. I went to Mapleton, and followed the blacksmith business, and I went there to the town of Mapleton.

Q. Was there a Fort Scott then or not? A. Yes, sir.

Q. How far is Mapleton from Fort Scott? A. 10 miles by rail.

Q. Well, now, were you living there when the war closed, at Mapleton or near Mapleton? A. Yes, sir.

Q. After you moved to Kansas or after the war did you ever get acquainted with a colored man by the name of Port? A. Yes, sir.

Q. Do you know what his given name was? A. Esau.

Q. Did you know his family? A. Well, now, I wasn't acquainted with Esau's family, I know he had a family, but I wasn't acquainted with Esau's family.

Q. Well, where did he live if you know when you got acquainted with him? A. Well he lived about five miles south and east from Mapleton almost directly on the road to Scott, that was a wagon-road then that we went to Scott, that was before the railroad was built.

Q. Now about that year was it that you got acquainted with him? A. In '62.

Q. How long did he continue to live there afterwards? A. I knew him there till '69.

Q. Was he living on the same place in '69 as he was when you got acquainted with him? A. In the same neighborhood.

Q. On whose place, if you know, was he living? A. On lived on a farm that was owned by Wilson, his name, let me see, we always called him Parson Wilson, he was a Methodist preacher there.

Q. It was known as that did you say, Mr. Perkins? A. Known as the Wilson farm, that is, he lived there at any rate, I don't say that he lived on that all that time, but he lived on that farm when I first knew him along up till anyhow '65 or '66 when he lived in the neighborhood, in that neighborhood.

Q. Up till '67? A. Up till '66 that I knew of.

Q. Well, now, when he went away from there you don't know anything about where he went? A. No, sir.

MR. SMITH: Well, Mr. Perkins, you say you got acquainted with Esau Fox in '62? A. Yes, sir.

Q. About what time in '62? A. Well I won't be positive, about the month; but in the spring of '62.

Q. In the spring? A. Yes, sir, in the spring.

Q. Well, then how long from that time do you say he was living on this Wilson place, how long after the spring of '62? A. Well, now I just can't be positive about that, just about how long, but when I first knew him now he lived on that place.

Q. Well, that was in the spring of '62? A. Yes, sir.

Q. Well, you don't know just how long he lived there after that? A. No, not on that place, I ain't right positive.

Q. Well, what other place, just any other place? A. Well, he lived in that neighborhood.

Q. In that neighborhood? A. In that neighborhood.

Q. Within about how far would he be of the Wilson place? A. Not over two miles.

Q. Up till when? A. Up to '66.

Q. '66? A. Up to '66 that I know of.

Q Well, now, Mr. Perkins, your first acquaintance with Fox was in '62, in the spring? A In the spring of '62.

Q And he either lived on the Wilson place or near the Wilson place in Kansas from that time until '67? A Yes, sir.

Q You are certain about that? A Yes, sir.

Q How far did you live from him? A I would say about five miles and a half, well now five or five and a half.

Q Well, Mr. Perkins, do you know whether Bean was in the army or not? A No, sir, if he was I don't know it; he wasn't in the army that I know of.

Q Well, what do you say as to that; you say he was or that he wasn't? A Well I don't understand that he was in the army.

Q Well, you were there weren't you? A Yes, sir, but I don't remember of his being in the army. There was quite a number of them there that enlisted and went into the army, it was a long while, but I don't remember of his being in the army; I remember of him being there though in '62 and '63, '4, and '5 and '6. But he may have been; now I can't be positive about that army business, I can't say positively about that.

Q Well, Mr. Perkins, he wouldn't have been in the army and been living any other place in the state at the same time? A No, sir. But then I ain't sure that he was in the army, I ain't going to be sure about that.

Q Well, then you are not being sure about his living on that Wilson place in '62? A He lived on the Wilson place in '62.

Q Well, you said from that time until '66; now are you going to be sure about that time? A Well, I won't be sure.

Q You don't know anything about it? A I won't be sure that he wasn't in the army.

Q Well, you are sure of one thing; that if he was in the army that he was not at the place where you said he was? A I am sure that he was there in '62 and on up in '63.

Q Yes, but what about that '66 that you were talking about a while ago? A He was back there in '66, '7, '8 and '9.

Q Where was he in '64 and '65? A Well, I was just going to tell you that I wasn't positive about that.

Q Well, are you less positive than you were a while ago, a few minutes ago? A No, I wouldn't be positive in '62, '4, or '63, '4, and '5 that he was there; no, I wouldn't be positive. But he was there in '62 I think, and I think in '63, in the spring of '63.

Q Well, Mr. Perkins, didn't you state that he was there living on the Wilson place or within five miles of it up until '67? A Well, I said that he was there, say that he was there in '62 and '3 and then '66, '7, '8, and '9, in that neighborhood. I didn't say that he was on the Wilson place.

Q But either on the Wilson place or near the Wilson place? A Yes, sir.

Q Within five miles of it? A Yes, sir.

Q Now I want to know until I asked you about the army did you make any distinction between the years '62, '4, '5 and all of the time between '62 and '67? A Well, I didn't call that to mind, I didn't call that to mind at the time.

Q Well, you don't know then where he was? A I don't know where he was for sure in '63, '4, and '5, I won't be positive that he wasn't in the army. But that he was there in '66, '7, '8 and '9.

Q Do you know when he was mustered out of the army if he was mustered out at all? A I don't know anything about that at all, I will tell you I don't know that.

Q Well, now, when did you think now that you first saw him after this army proposition? A Well, in '66.

Q About that time? A Well, I think that in, he was there in the fall of '66.

Q You think so? A Yes, sir, in the fall of '66.

Q You are not sure about that? A Yes, sir, he was there in the

fall of '88, '87, '86 and '85.

Q About what time, November, October, December, September, or what time? A Well I think that he was there well as early as October.

Q But you don't swear to that positively? you don't know? A I

know he was there in the fall, I know that he was there in the fall of '88 and from that on till '89.

Q How many times did you see him in the fall of '88? A I couldn't swear to that.

Q You don't know? A No.

Q Well, how then that was after the war was over? A Oh, yes.

Q And you can't swear that you saw him any more after the spring of '82 until that time, if you saw him then? A Well, I think that it was in '83, or up still in about '83, I won't be positive I say, but what he might have been in the army in '83, '84 and '85 or part of that time, I couldn't be positive about that.

Q Well, you don't know? A No, sir, I don't remember.

Q Well, at any rate, if he was in the army, you saw him after the close of the war, and that was in '88 as well as you recollect now?

A Yes, sir.

Q Do you know where he was in November, '88? A He was there in that neighborhood that I speak of.

Q You saw him there? A Yes, sir.

Q In November? A Yes, sir.

Q '88? A Yes, sir.

Q Will you please state just where you saw him? A Well, I saw him at Napleton, their town or trade.

Q About what date in the month was that? A Oh well I just can't fix it.

Q Well how do you know in November? A Well, it was along about November.

Q Well, about November and November are two different propositions, which was it in or out of November? A Well, it was as early as November, I think that it was sometime in November, I wouldn't be positive.

Q Well, you won't say it was in November at all? A Yes, I will say I knowed him back there in about that time, knowed him there in November, but I can't say the dates.

Q Well, you will swear it was November? A Well, yes, I will swear that he was back there in November.

Q Well, how long did he stay there in November? A I knowed him there until in '89, he was there, might have been out of the neighborhood gone off somewhere, but that was his home there on up till in '89, he made that his home in that part of the country.

Q Well, what place? A In the neighborhood of where Mr. Armstrong here lives in that neighborhood, the Wilson and Armstrong neighborhood.

Q Well where place was he on? A I can't be positive about whose place he was on. He was on when I told you was first on the Wilson place and he moved off at that afterwards.

Q But that was in '82 wasn't it? A Yes, sir.

Q Well, you are talking about '88 now? A Well, I say I won't be positive which place he was on. He was in that neighborhood, and I ain't positive about the place.

Q Well, now just where, whose place did you see him, and under what circumstances did you see him in '88? A Napleton?

Q Yes, sir. A Well, that was their town or trade, that was all the town there was, they saw there and I see him there, and they came there to trade, very often and that there, that was their place of trade.

Q Well, what makes you know 50 years afterwards that it was November? A Well, I know that they were there in the fall and not

later than that, November, and I ain't positive that it wasn't earlier than that, but then I know it was as early as that, he was back there that early.

Q How do you know that wasn't '85 instead of '86? A Well, it wasn't '85 that—

Q Well, how do you know? A Well, I remember, I don't remember of him in '85, I remember of him in '86.

Q As a matter of fact, you don't know whether it was December, January or September, do you? A Yes, sir, I know January, that was counting to another year; I know it was in the fall in November.

Q You don't know whose place he lived on? A No, I ain't positive about whose place; he was in the neighborhood though of the Wilson place; his family had been there, right there in that neighborhood, and Fox lived in that neighborhood. I ain't right positive what place he was on, I know that he lived in that neighborhood, I ain't right positive about the place, the man's place he lived on.

Q Well now what time did you say that was that he left there finally; what time did he leave there? A Well now the last that I remember of was in '86.

Q About what time, early or late in the year? A Well, I see him, now the last that I remember of in '86 was in haying time, sir; well in the summer of '86, haying time.

Q What time? A Putting up hay, you know; I think it was—

Q Along in the summer? A Along in the summer as late as September.

Q You had no business with him? Didn't work for you nor you for him? A Yes, I done work for him, I worked for him, I shod a horse for him, and I done work for him in the blacksmith line some little, not to amount to anything; but he worked in our neighborhood there, he worked around in different places, never worked for me—

Q Well, now how do you remember just the exact time or date that this colored man left the community in which you lived?

A Well, circumstances come up this way that I remember that; well it was I was counting up from the birth of one of my step daughters there that was born in that year.

Q Well, when were you doing that counting? A Well I counted that up and then—

A Well, when; I say when? A Well, I done that before I come down here.

Q Just recently? A Yes, sir.

Q Well what time, that did you find out when you counted up? A Well, I found out that he left there in '89.

Q Well, now, will you please tell me how you found that out by counting; when Fox left that country, by counting the number of years from the time you step daughter was born? A I have got it there on my book that I worked for Fox too in '89, that is I done some work for him, and he was working there in the neighborhood in '89, in the summer of '89.

Q Well now which was it, your book or your work or your step daughter that helped you fix this date? A Well, I make out my dates.

Q Where is that book? A Well, I didn't bring my books with me.

Q Have you any books that have entries that helped you to fix the time when Fox left there? A Yes, sir.

Q What are the entries? A I had the entries of them, I kept an entry of them, and I have got them there at home.

Q Well now if this is the case, Mr. Perkins, what are you talking about your stepdaughter for; if you fix the year by the books I don't see what your stepdaughter has got to do with it? A I say that was another thing that made me so positive about these dates. In '89 he left there to the best of my knowledge; now I wouldn't swear positively that he was there though in the same neighborhood in the summer of '89.

Q Well, I don't see what your stepdaughter has got to do with it?

Q Well, that may be. It had that much to do with it.

Q If you can explain it why I would like to have you do so? (No response.)

Q But I want to know now what connection this matter about the birth of your stepdaughter has with the time Esau Fox left there?

A Well, my wife had the family, the Fox family, some of that family there, and Fox was there, and we know by the dates that they were there, and that Fox was there and the family was there; but then now that was called to my mind by her, I am dating up by her.

Q Well, now, Mr. Perkins, as a matter of fact when you were called on to testify in this case you didn't know when Fox left there?

A Yes, sir, I said he left in '69, he was there as late as '69.

Q If you knew you didn't give any of these dates did you? A I didn't say positively what month or what date, but I said I knowed he was there until '69, and my memory serves me, as well as others, that he was there, and they is witnesses that claim that he was there later on, but I don't remember that; I don't say it; I ion't say it; but I will say that he was there on up till '69. There is people that can bring records here to show that he was there later on, but I don't remember that, that he was there, I don't know that. Of course these other dates, my wife fixed that in regard to the girls, by the family you know, but then that's not—I know by my books I worked for him in '69, 1869.

Q Well, now, you don't swear to whatever your wife thinks do you?

A Well, no, I don't swear that only that we just fixed—we was talking about dates, you know, to be sure of it, and she said that was correct, that he was there; she said he was there.

MR. DAVENPORT: Your wife's here as a witness isn't she, Mr. Perkins? A Yes, sir.

MARGARET PERKINS, being first duly sworn, testified as follows:

MR. DAVENPORT: What is your name? A Margaret Perkins.

Q You are the wife of the gentleman who has just testified are you, Mrs. Perkins? A Yes, sir.

Q Where is your place? A Mapleton.

Q Kansas? A Yes, sir, Mapleton, Kansas.

Q How long have you lived in the neighborhood of Mapleton, Kansas, Mrs. Perkins? A 46 years.

Q 46 years; how long have you been married to your present husband? A 13 years.

Q You were living in that neighborhood at the close of the war were you? A Yes, sir, during the war and at the close.

Q Well, during the war or after the close of the war did you get acquainted with a colored man by the name of Esau Fox? A Yes, sir.

Q About when did you get acquainted with him, Mrs. Perkins? About what year, I mean? A About '55 was the first that I notice of being acquainted with him and his wife.

Q You mean '55 or '65? A '65, yes, sir, 1865.

Q How far were they living from you when you got acquainted with them? A They lived about a mile.

Q And what was your name at that time? A It was Phipps.

Q Did you know his family? A Yes, sir.

Q What was his wife's name at that time, if you remember? A Lucy.

Q Now after you got acquainted with them did they ever work for you,

or come back and forth to your place? A Yes, sir.

Q About what years were they around the place or near your place; that they were working there, Mrs. Perkins? That is, after you got acquainted with them, I mean? A Well, I had them work for me in '67 and '68, I had the women more particularly.

Q The wife? A The wife Lucy was the one that come and worked for me.

Q When did they leave your neighborhood and move away from there, Mrs. Perkins, to the best of your knowledge? A I remember when they left, but I know them in '68 and knew them in '67 and '8. '67 and '8 was when they worked for me, when she did, when Lucy did.

Q Do you know where they went to when they moved away from there; did they tell you anything about where they were going? A No, I don't think they did.

Q Have you ever seen them since they moved away from there? A No, sir.

Q About how far from you did they live during that time? A They lived about a mile, adjoining place from ours.

MR. SMITH: About what time in '68 do you think it was, what month, that you first knew them? A It was in the summer or spring, I don't remember the month.

Q You just remember that it was in the year '68? A Yes, sir.

Q How far did this man live from you then you first become acquainted with him? A Didn't live over a mile.

Q Was he in the army? A He wasn't in the army.

Q Never served in the army? A No, not that I know of.

Q You had been living there yourself now how long in that community?

Q I had lived there well I have lived there 48 years.

Q Well, you were living there before the war closed then? A Yes, sir.

Q Did you live there during the war? A Yes, sir.

Q Did you know Esau before the war? A No, sir, I didn't know him before the war.

Q Did you know him during the war? A During the war.

Q So he wasn't in the army at all, Esau? A I don't remember of him being in the army, don't know but what he was though, I never remembered anything about that. It was his wife more particularly that was working for me.

Q His wife? A His wife.

Q Well, were there times when you would know about his wife being there and wouldn't know where he was, whether he was there or not? A I presume, I don't know what he did, he followed work wherever he could.

Q You didn't keep up with him? A Well, I know, part of the time I knew that she said her man was at home or about home.

Q How often did you see him? A Oh I couldn't tell how often, I see him occasionally, not so often as I would her for she had her set time to come and work.

Q What kind of work did she do? A She washed.

Q Come about once a week to wash? A Yes, sir, sometimes she would if we needed her once a week she would come.

Q You knew them commencing along in the summer or spring of '68?

A I think it was in the spring.

Q Do you know what place they were living on at that time? A They was living on the place that was always known as the Parson Wilson farm.

Q Well how many weeks or months did this woman work for you or continue to work for you? A Well I never did count them.

Q Well, you could tell whether it was twelve months or twelve weeks or twelve years that she worked for you? A Oh she worked for me occasionally as long as I needed work; oh, I don't think she worked for me over a dozen or so times.

Q Does he or she know? A Yes, sir, I used to be sending for her, I

made a dress for her and I would do work for her.

Q That was in '85? A That was after that; it was when she worked for me, and '88.

Q Well, didn't she do any work for you in '85? A No, sir.

Q Or in '88? A No, she didn't work for me then.

Q She was living on that Wilson farm then? A I think she was living there to the best of my knowledge; I never was intimate until '67 and '88.

Q Well, now, it was something over thirty years from the time they left there until your attention was called to it again, wasn't it?

A Oh, I suppose it was, yes, sir.

Q And did you know when your attention was first called to it, could you tell the day or the year or the month when the people had left that country? A Well, I don't know as I understand.

Q I say when your attention was first called to it could you tell then the time when they left or did you have anything by which to refresh your memory? A Yes, sir, I didn't tell; I studied it out I remembered it by the age of some children that was babies.

Q You had to count back and see about when it was? A Yes, sir, I had to count back.

COMMISSION: Case continued by agreement until April 17, 1902. This testimony will be filed with and made a part of the record in Cherokee Freedmen cases as follows: D-857, D-881, and in the case at bar, D-508.

Arthur G. Croninger, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the testimony and proceedings in the above case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Arthur G. Croninger

Subscribed and sworn to before me this 19th day of April, 1902.

R. R. Renter
Notary Public.

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Not such a matter.

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DEPARTMENT OF THE INTERIOR
BUREAU OF INDIAN AFFAIRS
OFFICE OF THE COMMISSIONER
WASHINGTON, D. C.
JUL 26 1942

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Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., April 17, 1908.

In the matter of the application of Esau Fox for the enrollment of himself, wife and children as Cherokee Freedmen,

Applicants represented by Lewis T. Brown, who appears for
Hollatto & Smith, Vinita, Indian Territory.
Cherokee Nation represented by W. W. Hastings.

W. M. DEEDS, being first duly sworn, testified as follows:

MR. HASTINGS: What is your name? A W. M. Deeds.
Q What is your postoffice? A Fort Scott.
Q What is your age? A 58.
Q Did you ever know a colored man by the name of Esau Fox? A Esau Fox, yes, sir.
Q Where did you first know him? A Well sir, the first time I ever seen him I seen him at Fort Gibson.
Q Indian Territory? A Yes, sir.
Q When was that? A In the time of the war.
Q Time of the war? A Yes, sir.
Q Do you know what became of him? A He was taken from Fort Gibson, I took him from Fort Gibson in a wagon I think with me.
Q You did? A Yes, sir.
Q Where did you take him to? A Fort Scott.
Q Fort Scott? A Fort Scott.
Q Kansas? A Yes, sir.
Q Then what did you do with him then? A I took him from there to my house.
Q Where was that? A That's about three miles southeast from Mapleton on the Osage River.
Q Were you living there then? A Yes, sir.
Q How long did he continue to live there? A He was there between four and five years.
Q Four and five years? A Yes, sir, as well as I can recollect.
Q Well now was he there when your sister married? A Yes, sir.
Q Is your sister this other witness that is here with you? A Yes, sir.
Q Did he live on your farm? A Yes, sir, on there a little while, not a great while, he moved just off our farm onto the one that cornered, another piece of land.
Q Well, did he live in your neighborhood all that time? A Yes, sir, he worked for us.
Q What kind of work did he do for you? A He helped us make hay, he helped us grub land, he helped us to harvest, he helped us to thresh.
Q Do you know where he finally came to when he left up there?
A I don't know just where he located after he left there; I couldn't say.
Q Couldn't say where he came to? A No, sir.
Q Well, did he claim to be a Cherokee citizen? A Yes, sir, he did.
Q Claimed to be from this country? A Yes, sir.
MR. BROWN: I think that those questions are leading.
MR. HASTINGS: Well, you took him up there from this country?
A Yes, sir.
Q You knew him well then did you? A Yes, sir.
Q What year did you take him up there? A I took him up there the year that the refugees went from the south to the north.
Q Well, what year was that? A I disremember just exactly what

year that was.

Q Well, had the war closed? A No, sir, it hadn't.

Q Well how long do you say he stayed there after the war? A He was there between five and six probably seven years.

Q Was he living right around in your neighborhood? A Yes, sir, he did, lived in hollering distance of my house, I could holler over to him and he could hear me.

Q He could? A Yes, sir.

MR. BROWN: What year was it that you carried him to Kansas?

A To Kansas, well now I disremember, I know it was the year the refugees was taken from Fort Gibson up there and I disremember just exactly what time that was.

Q Was that during the war, before the war, or after the war? A That was during the war.

Q About how long had the war been going on when you went up there with this man? A Well, it was in the winter after the war commenced in the spring.

Q Then it was the same year that the war begun that you took this man Esau Fox to Kansas? A Yes, sir.

Q Now how long did Esau Fox continue to live there in Kansas after you first took him there? A Well, sir, he was there between six and seven years to my own knowledge.

Q Well now how do you fix the number of years? A Well all I judge by is from the time that the war commenced and till the time that I went away from there.

Q When did you go away from there? A Well, I never made no specified time of it. As the fellow says, I didn't think I had to, I didn't think that there was anything of it.

Q Well now when did you go away from there? A Well I couldn't say just exactly what time it was.

Q You don't know the year, do you? A No, I don't.

Q That you left there? A I don't exactly.

Q You don't know the year that you went there in do you? A Yes, sir.

Q What year was that? A Yes, sir, went there August, '57.

Q August, '57? A Yes, sir.

Q Well now what year did you go from the Cherokee Nation to Fort Scott? A Well that was in '61.

Q Went there in '61? A '61, after the war broke out, after Christmas.

Q Well now how long did you continue to remain around Fort Scott after you went there and before you went away? A Well, sir, I was there that's been fifteen years.

Q You lived there fifteen years? A I have lived in that neighborhood for eighteen years.

Q Well, now, when you took Esau Fox to Fort Scott, Kansas, as you say in '61, did Esau continue to live there in Fort Scott until six or seven years after that? A No, sir, he lived north of that up on the Osage River.

Q Where was he in '62? A Well, some says that he went into the army.

MR. HASTINGS: Well, do you know yourself? A I know this man was there.

MR. BROWN: Where was Esau Fox in '62? A Well I couldn't say exactly.

Q Where was he in '63? A I know six years, those years that I have spoke of, I know he worked for us.

Q Where was Esau Fox in '63? A He was on the Osage River.

Q That in the state of Kansas? A Yes, sir.

Q Did you see him during that year? A I did.

Q Where was he in '64? A I know he was in Kansas.

Q Whereabouts in Kansas? A Up near Mapleton.

Q How far from you? A That was more than three quarters of a

mile from us.

Q I thought you stated a while ago that you lived in Fort Scott, Kansas, for fifteen years after the year '81? A No, sir, I didn't state that.

Q How long did you live in Fort Scott in '81? A I lived on the Osage, but I lived there eighteen years not far from there.

Q How long did you live in Fort Scott, Kansas, after you went there in '81? A That's about as far as I know now.

Q How long did you live in Fort Scott, Kansas, after you went there in '81? A I didn't go to Fort Scott in '81. I never went to Fort Scott in '81.

Q When did you go to Fort Scott? A I have been to Fort Scott seventeen years ago and last winter.

Q Where did you take Esau Fox to when he left Fort Gibson? A Took him to Fort Scott.

Q In what year was that? A Well, sir, I'm not mistaken I thought that was the year '82, after Christmas.

Q It was in '82 that you took Esau Fox? A It must have been.

Q It wasn't in the same year then that the war began? A I don't believe it was.

Q Well, now, which was it now? A I said it was in '82.

Q Well, how were you living in '82? A Well, sir, I was living up here at Mapleton, at Mapleton that time I wasn't driving a government team.

Q Where was Esau Fox living in '82? A Well, sir, he was right there around in the neighborhood.

Q Right there in the neighborhood of Mapleton all during that year? A Yes, sir.

Q You are just as positive as to that as you are to anything else you have testified to? A Yes, sir, I am.

Q Well now, you were working for the government you are learning were you not? A I was.

Q Well, now how much of the time were you away from home? A I wasn't away only about six weeks at a time, and then he would make a trip, and then I would go home, he around, take care of things a little bit, then I would have to be gone again.

Q There was Esau Fox in '82? A Well Esau Fox helped take care of our stock there in '82.

Q There was Esau Fox in '83? A He was right there in the neighborhood.

Q Where was he living? A He was living up there about Mapleton.

Q Where was he in '84? A Well he was right there in the neighborhood, couldn't move away.

Q Where was he in '85? A Well, sir, he was right there in the neighborhood.

Q Where was he in '86? A Well, sir, he was there as far as I recollect the man was there in '86.

MR. HASTINGS: Did you remember this man was there in '86, that's fifteen years after the war; did you mean to say he was there in '86? You must pay attention to these questions. In '86? You thought he said '86? A As I thought he meant, '86.

Q Well, how long did he live there after the war? A He was there between seven and eight and ten years, somewhere right along in there.

MR. BROWN: Well, the Esau Fox that you are talking about you say lived in Kansas and in your neighborhood from '82 up until what year? A Up until '87 and '88.

Q Now didn't you know as a matter of fact that this Esau Fox was a member of the 79th colored infantry, that he was in the government service from '62 until '82? A Well now I don't know nothing about that part of it.

Q Well, now are you going to swear that that's true? A If it is it's unknown to me.

Q Do you swear positively that Esau Fox wasn't in the government service, in the 79th Colored Infantry from '83 until '86? A No, I don't say that he wasn't in the army at all, don't say that.
Q Well are you positive that during those years he lived in your immediate neighborhood? A He was there then and then again, yes, sir.
Q Was he there all the time? A I didn't say he was there all the time.

Q Was he there all the time in the year '86? A No, I can't say that he was there all the time every year, I can't say that.
Q Well, now, was the Esau Fox that you are talking about, was he in the army or not; was he a soldier? A Now I couldn't say whether he was a soldier or whether he wasn't, now I don't propose to say anything about that, I don't know.

Q Well, now, you would see him every week wouldn't you or every two or three weeks? A See him every week or two, sometimes a month, sometimes two or three times a day.

Q And the Esau Fox that you are talking about lived in your immediate neighborhood from '82 until '87 or '8? A Yes, sir.

Q You don't know whether it's this Esau Fox that's applying here for enrollment or not do you? A Well, that's what I was summonsed here for is to know whether it was or not.

Q You don't know now do you whether it is the same man or not do you? A Well, that's the man that lived in that neighborhood.

Q Well, now if the Esau Fox that's applied for enrollment here was in the 79th Colored Infantry from '83 until '86 then he isn't the Esau Fox that you are testifying about is he?

MR. HASTINGS: Oh that's purely a matter of argument.

MR. BROWN: Let him answer the question.

MR. HASTINGS: And I object to it.

COMMISSION: Answer the question if you can.

WITNESS: No, sir, I can't.

CLARINDA WINKLEPECK, being first duly sworn, testified as follows:

MR. HASTINGS: What is your name? A Clarinda Winklepeck.

Q What is your postoffice? A Why Fort Scott.

Q Kansas? A Yes, sir.

Q Are you the sister of this man who has just left the stand, William Deeds? A Yes, sir.

Q How old are you? A I am 56.

Q When were you married? A Married in '71.

Q Have you your marriage certificate with you? A Yes, sir, I have. (Witness hands paper to Mr. Hastings.)

Q Well, referring to that it shows that you were married in '71, don't it? A Yes, sir.

Q June, the 27th day of June? A Yes, sir.

Q Well, take it back. (Hands paper back to witness.) Did you ever know a colored man by the name of Esau Fox? A Yes, sir.

Q Where did you know him first? A First time I knowed him up there up on the Osage there, my father's place up there.

Q Did you live up there? A I lived there then, yes, sir, lived there two years after I was married to my father's home.

Q Well, when did you know this man first in Kansas? A Just when the war was ended, '55.

Q Do you mean '55? A '63 I meant.

Q That was the year you knew him then? A Yes, sir, that was the year.

Q Well, did you know him well? A '55, I wasn't married in '55.

Q Oh well tell me if you knew him well? A Yes, sir, I did.

Q How far did he live from you? A About three-quarters of a mile.

Q Where did he come from? A Well I suppose he come from the Nation, I don't know where; but they brought him to Fort Scott up there in my brother's wagon, my brother he fetched him in a government wagon up there to Fort Scott.

Q Well, now, how long did he continue to live there in that neighborhood? A Well until I was married, as I told you, he moved after two years.

Q Do you know where he went to then? A No, I don't.

Q Well, did you know him up to the time after you married after the war? A Yes, sir, I was right there at the time, and he worked there for my father.

MR. PROVN: In what year did your brother carry Esau Fox to Fort Scott? A Why the year that the war ended.

Q It was in the year the war ended that your brother carried him there was it? A Why you know it was '65.

Q Well now was Esau Fox living in Fort Scott when you lived there? Was he living near you in the state of Kansas? A Lived right back of my father's place on a man's place by the name of McGraby, now up to this it belonged to a man by the name of Wilson, on old man Wilson's place.

Q You were living there in Fort Scott in '71 were you? A No, sir, I was living on my father's place.

Q In '71? A No, sir, I was living at my father's.

Q Near what town is that? A Mapleton.

Q You continued to live there two years after you married? A After I was married.

Q That would be in '73, then? A Yes, sir.

Q Well, now from the time you saw Esau Fox in '65 until '73 where had he lived? A He had lived just there around in the neighborhood closely, but he had lived there the year I was married because he was nothing but an old man and carried buttermilk for my father.

Q Well, now, prior to the time you were married where was he living? A Sir?

Q Prior to the time of your marriage in '71 where was Esau Fox living? A When I was married?

Q Before you were married? A Oh I said just around in the neighborhood, of course he lived there around, but he lived in this little hut at that time. He was living first one place and then another, and he leased a piece of ground from this old man, and tended the ground.

Q Now then you state now that he continued to live in that neighborhood for two years after your marriage to your personal knowledge?

A To my personal knowledge, I said that I lived at my father's home.

Q Two years after you were married? A After I was married lived at my father's home, and of course we lived there. If he moved away, but I don't think he did. I was positive he stayed there because he had a lady by the name of Lucy his wife, went over to Mapleton and visited around you know.

Q Well, where was your brother in '61 and '62? A '61 and '62?

Q Yes, ma'am. A Well he was driving a government team.

Q You are positive that it was in '65 that your brother carried Esau Fox from the Cherokee Nation to the State of Kansas? A Yes, sir, he did, for he drove the wagon from my father's house out there.

Q You are also positive that Esau Fox about whom you are testifying lived in the state of Kansas from '65 until '73? A Yes, sir, well I don't know just exactly where until in '73, but you know I was right there. I don't know just exactly how long he stayed there, but he was there the year that I married, and was there the year afterwards, but don't know as he was—

Q Well what we want to get at, Mrs. Winklesack, is the time before you were married? Now say the fall of '68; where was Esau Fox that

year? A Well, he was right there in the neighborhood. Now I will tell you they used to have early meetings all around and Mr. Fox would get up and talk in the meeting you know. That's the way, he had big early meetings around, and I know that he did. And he would get up and make experiences, and tell his experiences.

MR. EASTMAN: You know he was there when you married? A Well I guess he was there when I was married. Yes, sir, I do.

MR. BROWN: Who else was there? A I guess there was—
Q Can you name some of them? A Austin Bell was there, Bettie Prophet, but she is dead now, she come down here and died, that's what I understood since, was married and the mother of six children—

Q Well you don't know whether this is the same fellow that's applied here or not; you haven't seen him for a number of years have you, Esau Fox? A I reckon it's the same man.

Q But do you know that it's the same Esau Fox that's applied here for citizenship? A Why I was told that he was.

Q Who told you? A Why Mr. and Mrs. Perkins.

Q Well now then what you testify about that is just hearsay, what Mr. and Mrs. Perkins told you? A Yes, sir.

COMMISSION: This testimony will be filed with and made a part of the record in the following Cherokee Freedmen cases: D-537, D-521, and in the case at bar, D-508.

Arthur G. Croninger, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the testimony and proceedings in the above case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Arthur G. Croninger

Subscribed and sworn to before me this 19th day of April, 1902.

R. K. Renter
Notary Public.

C. F. D-548.

To be filed with the following Cherokee Freedmen cases:
D-550, D-552, D-758, D-923, D-473, D-475, D-508, D-537 and
D-527.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MUSKOGEE, I.T., APRIL 29, 1902.

In the matter of the application of Nelson Murrell, et al. for
enrollment as Cherokee Freedmen.

SUPPLEMENTAL TO D-548.

Applicant represented by Mallette & Smith.
Cherokee Nation represented by J. S. Davenport.

SIMON SCALES, being first duly sworn, testified as follows:

MR. DAVENPORT: What is your name? A Simon Scales.
Q Where do you live, Simon? A At Fort Scott, Kansas.
A Do you know how old you are, Simon? A I do, sir, about, near
about it.
Q Well about how old do you think you are? A Going on 61, on
the 25th of last March.
Q How long have you been living at Fort Scott, Kansas, Simon?
A Well, sir, near about thirty-one or two or three years.
Q About how long? A Thirty-two or three years, along there.
Q Well did you go there before or after the close of the war?
A After the war, sir.
Q Do you remember that distinctly; you don't know what year, but
after the war closed? A Yes, sir.
Q Well after you went to Fort Scott, Kansas, did you get acquainted
with a colored fellow by the name of Murrell? A I got slightly
acquainted with him.
Q Did you ever know what his first name was? A I disremember.
Q You don't know what his name was? A I forget what his first
name was; I got acquainted with him slightly, just passing by him
coming in.
Q Did you know where he lived? A No, sir; I never did know where
he lived; I know he lived up the river above us a mile or two.

JOHN KILBURN, being first duly sworn, testified as follows:

MR. DAVENPORT: What is your name? A John Kilburn.
Q What is your age? A I will be 56 the 20th of October coming.
Q What is your post-office? A Marmaton, Kansas.
Q How long have you lived near Marmaton, Kansas? A Since '65,
since August, '65.
Q You went there after the close of the war, did you? A Yes, sir.
Q Since you went to Kansas did you get acquainted with a colored
family by the name of Murrell? A Yes, sir.
Q Do you know what the first name of the man was? A I think
his first name slipped my mind. Nelson Murrell, Nelson Murrell
I think was his name.
Q Where was he living when you first got acquainted with him?
A On John Todd's place.

Q Where is that from Fort Scott or Marmaton, Kansas, now, how far?
A Well it's a mile and a half west of Marmaton, and about eight miles of Fort Scott.

Q You say he was living on John Todd's place? A Yes, sir.

Q Did he have a family at that time, or do you know? A When I was there, just him and his wife.

Q Well, that's what I mean; was he keeping house? A Yes, sir.

Q And lived on John Todd's place? A Yes, sir.

Q What were the circumstances of your getting acquainted with him that you remember him that well? A Why I went there to break prairie for John Todd.

Q They had a man on this place, he was living there? A Yes, sir.

Q Well? A That was the most convenient place that I knowed of, so I stopped the wagon there, and I slept in the wagon and boarded with him.

Q Boarded with them, they cooked for you? A Yes, sir.

Q Now when was that, Mr. Kilburn? A Well I guess that was in '68, it might have been '69.

Q Well did he move away from that country after that, or do you know? A He moved away, but I don't know when. Don't know where he went.

MR. MELLETT: You simply stopped there with him while you was breaking prairie there? A Yes, sir.

Q Didn't know him very long then, did you? A No, sir.

Q Don't know where he had been before that, do you? A No, sir.

Q Don't know where he went after that? A I don't.

Q Are you certain it was in the year '68? A Well, that or '69.

Q How long did you break prairie there? A I expect it was a couple of weeks, I disremember.

Q Well now when was your attention first called, when were you first asked about what you knew about this man with a view of your being a witness in this case? A By Mr. Rucker.

Q How long ago? A I guess it's six weeks ago, might have been over that.

Q Then you remembered back thirty-five or forty years and remembered exactly what you seen two weeks when you was breaking prairie?

A Yes, sir.

Q You have got a pretty good memory, haven't you? A Why I don't know that I have.

Q Who talked to you about this case first; that gentleman, do you know? A Yes, sir.

Q What's he got to do with this business? A Couldn't tell you.

Q What's his name? A Rucker. C. T. Rucker.

Q Where does he live? A Fort Scott.

Q Is he getting up evidence for the Cherokee Nation up there?

A I ain't positive about that.

Q He was around inquiring of you what you knew, was he? A Yes, sir.

Q What did he say to you? A He wanted to know if I ever knew a man--now as near as I can recollect--if I knew a man by the name of Murrell, a colored man that used to live down there.

Q Did he say he was going about there getting what people knew about these cases? A I don't think he said anything about that.

Q Is he the witness that testified in the Pomp Brown-- Lewis T. Brown case a while ago? A I think he did.

Q And he came to you inquiring what you knew about the Nelson Murrell case? A Yes, sir.

Q That he was getting up testimony up there, isn't he? A Well I just inferred that he was, I never heard him say that he was.

Q Can you remember every man that you broke prairie for two weeks thirty-five years ago? A No, sir.

Q Why can you remember this man then? A Well I'll tell you how I know about the time. I had a homestead up there about three miles from this Todd place, and I broke--I was breaking prairie for the man that built my house on that homestead, and then there was a man by the name of Hill and he built the house on the homestead, and then I broke a piece for Mr. Stanley, another neighbor, and then I went to break for Mr. Todd and then I went up with the team, it was about the first team that I ever owned, and I went threshing with another man, hired to him on the threshing machine; that's how I remember.

Q That's the reason that you remember that you met Nelson for two weeks thirty-five years ago? A I know that's why I remember Nelson Murrell, yes, sir.

Q You didn't even remember his first name when you was first asked the question? A I didn't.

Q Have you ever seen him since you saw him there? A I don't remember that I have.

Q Don't know whether he is the man that has applied here or not for enrollment, do you? A I would just say that he was; I don't know anything about it.

Q Never have seen him? A No, sir.

Q All you have heard is that they was asking you about Nelson Murrell? A Yes, sir.

Q Well did you come away down here just to swear that? A I suppose that's what they got me here for. Looks that way to me.

Q You don't know where Nelson Murrell was in '66, do you?

A I do not.

Q '57? A I don't; let me see; no, I don't know where he was in '67.

Q And you don't know where he was except the time you speak of?

A That's all.

MR. DAVENPORT: When you was spoken to about what you knew about Nelson Murrell by Mr. Rucker there was no inducement offered or no premium to get you to swear anything other than the truth, other than what you knew? A No, sir.

Q Did anybody ask you to swear to anything other than what you knew in regard to the matter? A I don't think they asked me to swear at all; just asked me what I knowed about it.

Q You was then subpoenaed, was you not? A Yes, sir.

Q Was there anything said to you about there being an association for the defense of the Cherokee Nation as against the claimants down here; was there any information given you that there was an organization for the purpose of trying to defeat the claimants?

A I never heard of any organization.

Q You come as any other witness after you had been talked to as to what you knew and then was subpoenaed; you came upon a subpoena after Mr. Rucker had talked to you as to whether you knew Nelson Murrell or not? A Yes, sir.

COMMISSION: This testimony will be filed with and made a part of the record in the following Cherokee Freedmen cases: D-550, D-552, D-758, D-923, D-473, D-475 and D-548, the case at bar; also in Cherokee Freedmen cases No. D-508, D-537, and D-627.

C.F.D-548.--4.

Arthur G. Croninger, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the testimony and proceedings in the above case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Arthur G. Croninger.

Subscribed and sworn to before me this 2nd day of May, 1902.

(Notarial Seal)

H. C. Reuter,
Notary Public.

I, George W. Irwin, stenographer to the Commission to the Five Civilized Tribes, being first duly sworn, state that the foregoing is a true and complete copy of the original transcript in the above case.

George W. Irwin

Subscribed and sworn to before me this 25 day of June, 1902.

H. C. Reuter
Notary Public.

Department of the Interior,
Commission to the Five Civilized Tribes,
Waskagee, S. T., May 31, 1902.

In the matter of the application of FERRY ADAMS for enrollment as a Cherokee Freedman:

Applicant appears by Kellette & Smith; Cherokee Nation, by W. W. Hastings:

By Mr. Smith:

The applicant moves the Commission to make the certified copy of the decree of the Court of Claims in the case of Moses Whitmire, Trustee for the Freedmen, vs. The Cherokee Nation, No. 17209, filed in the Mariah Hayden case F. D. 498, a part of the record in this case and the cases hereinafter mentioned by reference to the said case of the said Mariah Hayden, and if it be deemed necessary that a copy of the said decree be filed in this case and in the following cases, to-wit:

Exam. Nos. D 880;

By W. W. Hastings:

Comes now the Cherokee Nation and objects to the introduction of the decree because, First: It does not tend to show that the applicant was a slave of the Cherokee Nation at the beginning of the war, nor that he returned within the time specified in the treaty of 1866, or that he had been a continuous resident of the Cherokee Nation since that time, or that he is a descendant of such a person. Second: Because the same is incompetent, irrelevant and immaterial, and does not tend to prove an issue in this case. Third: Because the Commission will take judicial knowledge of all laws, treaties and decrees necessary for the determination of the right of any person who makes application for citizenship. Fourth: The Cherokee Nation objects to the filing of a certified copy of this decree in the case of an applicant unless the same is called and filed in each individual case.

Commission:

The motion of the attorney for the applicant will be entertained and the decree of the Court of Claims filed in the case of Mariah Hayden will be made a part of the record by reference in all the cases above named with the exception of those which came within the provisions of the temporary injunction recently granted by Judge Gill of the United States Court, of the Northern District, Indian Territory.

Mr. Smith:

The applicant further moves that as to the above named cases including the Mariah Hayden case that counsel for the applicants be allowed within thirty days to file any of the proof of any or all of the record other than the decrees already referred to

In the case of Moses Whitmire, trustee, vs Cherokee Nation, on file in the Court of Claims to the counsel of the Cherokee Nation if it is desired to do so.

W. V. Hastings:

The Cherokee Nation most certainly strenuously objects to the allowance of this permission or to the granting of this request for the reason that most of these applicants have had more than a year in which to file all of their testimony that they desired to file to make out their case before the Commission and that notice was given them, all by agreement in March last, that the cases would be closed so far as testimony was concerned by the special permission of the firm of attorneys representing these applicants, on the 31st day of May, 1902, and that this being the 31st day of May, 1902, we say that under the rulings of the Commission, that under the agreement between the attorneys, that the testimony in all these cases is to close and should be closed by the Commission, and that no extension should be granted in any case and no case reopened unless there is some special and particular reason shown either by the Cherokee Nation on the one side or the applicant on the other why an extension of time is necessary or desired.

The Commission:

The law provides that the roll of Cherokee freedmen shall be made in strict compliance with the decree of the Court of Claims rendered the 3rd day of February, 1896, and as the Commission must take judicial notice of the judgment roll of said Court in the proceedings referred to the motion of attorneys for applicants for additional time to file certified copies of the proceedings of the said Court is denied.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings in the above case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

(Signed) E. G. Nothenberger.

Subscribed and sworn to before me this 14th day of June, 1902.

(SEAL)

(Signed) P. G. Reuter,
Notary Public.

I, E. C. Bagwell, a stenographer to the Commission to the Five Civilized Tribes, on oath state that the above and foregoing is a true and perfect copy of the original testimony in the above entitled cause as filed with the Commission, which copy was made by me.

E. C. Bagwell

Subscribed and sworn to before me this July 29, 1902.

P. G. Reuter
Notary Public.

Cherokee Freedman 306.

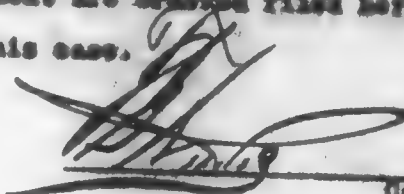
DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Muskegee, Indian Territory, July 27, 1903.

In the matter of the application for the enrollment of
Rexwell Mackey as a Cherokee Freedman.

SUPPLEMENTAL STATEMENT.

An examination of the Wallace Roll of Cherokee Freedmen shows that the applicant is identified therein at page 128, 60031, with a note opposite his name to the effect that he is a resident of the Creek Nation.

Copies of this statement are ordered filed herewith and made a part of the record in this case.



Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

905

In the matter of the application of Esau Fox, et al., for enrollment as Cherokee Freedmen, consolidating the applications of

| | | |
|----------------------------|-------------------|-------|
| Esau Fox, et al.,..... | Cherokee Freedmen | D 508 |
| Tobe Looney,..... | " | D 512 |
| Eliza Looney,..... | " | D 537 |
| Frank Looney,..... | " | D 538 |
| Joe Ross, et al.,..... | " | D 542 |
| Phillis Alexander, et al., | " | D 544 |
| Nelson Murrell, et al.,.. | " | D 548 |
| Lewis Ross,..... | " | D 549 |
| Allen Looney, et al.,.... | " | D 551 |
| Jake Looney, et al.,..... | " | D 573 |
| David Ross, et al.,..... | " | D 799 |
| Steve Looney, et al.,.... | " | D 819 |
| Chaney Ross,..... | " | D 847 |
| Mama Brown, et al.,..... | " | D 847 |
| Maggie Willis, et al.,.... | " | D 936 |

D E C I S I O N .

The record herein shows that applications for enrollment as Cherokee Freedmen were made to this Commission as follows, by Esau Fox for himself, his wife, Nancy, and his minor children, Ollie Fox (now Ollie Gibson), Joe Fox, Arthur Fox, Hattie Fox, Ruthie Fox, and Mary Fox. A marriage license and certificate having been filed with the Commission subsequent to said application showing the marriage of said Ollie Fox to one, Posey Gibson, she will now be listed for enrollment as Ollie Gibson. Subsequent to said application, an affidavit was filed showing the birth of Leever Gibson, minor child of Ollie Gibson, and the same is made a part of the record herein. By Emily Looney for her husband, Tobe Looney, as a Cherokee Freedman, and for herself as a Cherokee Freedman by intermarriage. By Eliza Looney for herself and her husband, Frank Looney. By Joe Ross for himself and his two grandsons, Irving G. Looney and John Shadd. By

Phillis Alexander for herself and her four minor children, Luther J., Vessie, Ezra and Ermer Alexander. By Nelson Murrell for himself and his wife, Flora Murrell. By Lewis Ross for himself. By Allen Looney for himself and his two minor children, Alice and Bert Looney. By Jake Looney for himself as a Cherokee Freedman, and for his wife, Freddie Looney, as a Cherokee Freedman by intermarriage. By David Ross for himself and his minor children, Joseph, Harry, Herbert, Vernie, Nelson, Alva and John H. Ross as Cherokee Freedmen, and for his wife, Mary Ross, as a Cherokee Freedman by intermarriage. By Steve Looney for himself and his wife, Peggy Looney. By Chaney Ross for herself. By Emma Brown for herself and her minor son, Steve Willis. By Maggie Willis for herself and her minor son, Lloyd Willis. The status of persons applying for enrollment as Cherokee Freedmen by intermarriage not being fixed at this time, the applications for the enrollment of Emily Looney, Freddie Looney and Mary Ross, as such will not be considered, or passed upon in this decision. Copies of the testimony taken at various times in the matter of the applications of Daniel Thompson, et al., Rufus Ross, Elizabeth Meigs, Samuel Beck and Emma McAfee, et al. have been filed herewith, and are made a part of the record herein.

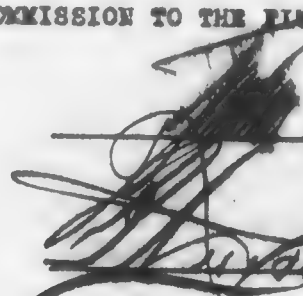
The evidence shows that Esau Fox, Nancy Fox, Tobe Looney, Joe Ross, Nelson Murrell, Flora Murrell, Lewis Ross, Allen Looney, David Ross, Steve Looney, Peggy Looney and Chaney Ross, claim for themselves, as former slaves of Cherokee citizens, the right to enrollment, and for the above named children and grandchildren included in their respective applications, as their descendants; that Eliza Looney is a descendant of said Esau and Nancy Fox; that Frank Looney and Jake Looney are the descendants of said Tobe Looney; that Phillis Alexander and her minor children are the descendants of said Joe Ross; that Emma Brown and Maggie Willis, together with their children, are the descendants of said Chaney Ross. All of said applicants, claiming by descent, were born since the commencement of the rebellion, and it is not shown that they have any rights as Cherokee Freedmen, other than as such descendants.

The evidence further shows that Esau Fox, Nancy Fox, Tobe Looney, Joe Ross, Nelson Murrell, Flora Murrell, Lewis Ross, Allen Looney, David Ross, Steve Looney, Peggy Looney and Chaney Ross were slaves of Cherokee citizens at the commencement of the rebellion; that all of them, except Flora Murrell, removed from the Cherokee Nation during the rebellion, and did not return thereto and take up their residence therein, until after February 11, 1867. None of the applicants herein are identified on the 1860 authenticated Cherokee roll.

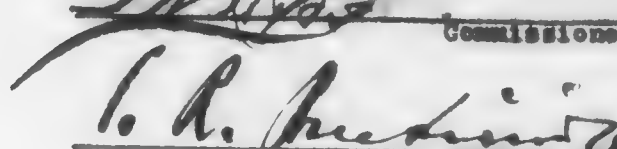
The evidence further shows that Flora Murrell was residing in the Cherokee Nation at the date of the making of the Cherokee treaty of 1866, and has continued to reside therein from that time, up to and including the date of her application herein.

It is, therefore, the opinion of this commission that Flora Murrell should be enrolled as a Cherokee Freedman in accordance with the provisions of section twenty-one of the act of Congress, approved June 28, 1898 (30 Stats., 495); and that the applications for the enrollment of Beau Fox, Nancy Fox, Ollie Gibson, nee Fox, Joe Fox, Arthur Fox, Hattie Fox, Ruthie Fox, Mary Fox, Leever Gibson, Teke Looney, Eliza Looney, Frank Looney, Joe Hess, Irving G. Looney, John Shadd, Phillis Alexander, Luther J. Alexander, Vessie Alexander, Sara Alexander, Ermer Alexander, Nelson Murrell, Lewis Hess, Allen Looney, Alice Looney, Bert Looney, Jake Looney, David Hess, Joseph Hess, Harry Hess, Herbert Hess, Vernie Hess, Nelson Hess, Alva Hess, John H. Hess, Steve Looney, Peggy Looney, Chaney Hess, Emma Brown, Steve Willis, Maggie Willis and Lloyd Willis as Cherokee Freedmen, should be denied, under the provisions of section twenty-one of said act of Congress, and it is so ordered.

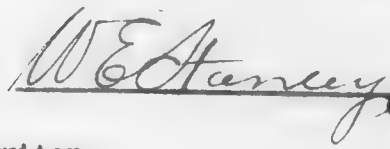
COMMISSION TO THE ENLIGHTENED TRIBES.



Chairman.



Commissioner.



Commissioner.

Dated at Muskogee, Indian Territory,
this MAR - 5 190

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE UNCIVILIZED TRIBES

FILED

JUN 5 1911


ACTING CHAIRMAN.

CHEROKEE NATION,

Cooweescoowee District.

PERMIT.

C. F. A.

, recognized as a CITIZEN OF THE

CHEROKEE NATION, is hereby authorized and permitted, in accordance with Sec. 2d of the "Act Authorizing and requiring District Clerks to issue Permits," approved December 4, 1879, to employ *McC. Worthington* as a useful Laborer, within the District, for the term of *(6)* months from this date, ie having paid to me, in advance, the sum of *300* DOLLARS, in pursuance of the requirements of the before mentioned section of said law, as amended by Act December 1, 1885.

Given on this *16* day of *March* 189*1*

Clerk of Cooweescoowee District.

OATH.—I do solemnly swear (or affirm) that I am a citizen of the United States and that I have never made application before any Commission or Court of the Cherokee Nation for citizenship in said Nation That it is not on account of any criminal offense against the laws of the same, that I have come to seek employment in this Nation That within ten days after the expiration of my permit, unless the same shall be renewed, I will remove without the limits of this Nation.

Sworn to and subscribed before me the

day of

189

Deputy Clerk of Cooweescoowee District.

CHIEFTAIN priv. Vinita, I. T.

5-28
E. D.

**INDIAN TERRITORY,
CHEROKEE NATION.**

I hereby certify that I served the with-
in notice on _____

by delivering a true copy thereof on the
_____ day of _____ A. D. 190...

Given under my hand this _____
day of _____ A. D. 190...

Marshal for the Cherokee Nation.

I, the undersigned attorney for the
within named applicant, hereby accept
service of the within notice on this the
_____ day of _____, 190...

Mellett Smith
Attorney for Applicant.

UNITED STATES OF AMERICA, }
INDIAN TERRITORY, } S. S.
NORTHERN DISTRICT. }

I do solemnly swear that I delivered a
true copy of the within notice to _____

on the _____ day of _____ A. D. 190...

Subscribed and sworn to before me
this _____

Notary Public.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
APR 28 1902

[Signature]
Acting Chairman

NOTICE!

IN THE MATTER OF the application of Essau Fox,
for enrollment as Cherokee Freedmen:
Case No. F. D. 508.

To Essau Fox or Mellette & Smith his attorneys:

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman at the office of the United States Commission to the Five Civilized Tribes in the town of Muskogee, I. T. Indian Territory, on April 29, 1902, at 8 o'clock A. M. or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this April 26, 1902.

L B Bell

*W. W. Hastings
Jesse Davenport*

Attorneys for the Cherokee Nation.

9
F. D. 508

INDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the with-
in notice on.....

by delivering a true copy thereof on the
.....day of A. D. 190....

Given under my hand this.....
day of A. D. 190....

.....
Marshal for the Cherokee Nation.

I, the undersigned attorney for the
within named applicant, hereby accept
service of the within notice on this the

.....day of 190....

W. H. H. Smith
Attorney for applicant.

UNITED STATES OF AMERICA, }
INDIAN TERRITORY, } S. S.
NORTHERN DISTRICT. }

I do solemnly swear that I delivered a
true copy of the within notice to

.....
on theday of A. D. 190....

.....
Subscribed and sworn to before me
this

.....
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
SEP 21 1901

W. H. H. Smith
ACTING CHAIRMAN

NOTICE!

IN THE MATTER OF the application of Esau Fox
for enrollment as Cherokee Freedmen;

Case No. F. D. 508

To Esau Fox or Mellette & Smith his Attys.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman at the office of the United States Commission to the Five Civilized Tribes in the town of Vinita Indian Territory, on Oct. 11th 1901 at 8 o'clock A. M. or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this SEP 20 1901

L B Bell

M. W. Hastings
J. A. Sawport
Attorneys for the Cherokee Nation.

F. D. 508

INDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the with-
in notice on

by delivering a true copy thereof on the
..... day of A. D. 190...

Given under my hand this
day of A. D. 190...

.....
Marshal for the Cherokee Nation.

I, the undersigned attorney for the
within named applicant, hereby accept
service of the within notice on this the

12 day of April, 1902

Wm. C. C. H. H. H.
Attorney for applicant.

UNITED STATES OF AMERICA, }
INDIAN TERRITORY, } S. S.
NORTHERN DISTRICT. }

I do solemnly swear that I delivered a
true copy of the within notice to

.....
on the day of A. D. 190...

Subscribed and sworn to before me
this

.....
Notary Public.

COMMISSION TO ...
FILED
APR 15 1902

Wm. C. C. H. H. H.
ACTING CHAIRMAN

NOTICE!

IN THE MATTER OF the application of ~~Esau~~ Esau Fox,
for enrollment as Cherokee Freedmen:

Case No. F. D. 508

To Esau Fox or Mellette & Smith his attorneys:

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman at the office of the United States Commission to the Five Civilized Tribes in the town of Muskogee, I. T. Indian Territory, on April 15th, 1902, at 8 o'clock A. M. or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this April 12, 1902.

L. B. Bell

N. N. Hastings
Jas. Davenport
Attorneys for the Cherokee Nation.

CERTIFICATE OF RECORD.

UNITED STATES OF AMERICA, }
INDIAN TERRITORY, } ss.
NORTHERN DISTRICT.

I, **Charles A. Davidson**, Clerk of the United States Court in the Northern District, Indian Territory, do hereby certify that the instrument hereto attached was filed for record in my office the **1** day of **Nov** **1902**, at **189** M., and duly recorded in Book **X**, Marriage Record, Page **173**.

WITNESS my hand and seal of said Court at Muskogee, in said Territory, this **12** day of **Nov**, A. D. **1902**.

(Signed) **Chas A. Davidson** Clerk.

By _____ Deputy.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, I. T., **July 12** 190**2**.

stenographer to the above named Commission

I, the undersigned, do hereby certify that the above and foregoing is a true and correct copy of the original offered in evidence in the matter of the application for enrollment of **Posey**

Gibson as citizen of the Cherokee Nation.

Francis S. Baty
Commissioner.

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MARRIAGE LICENSE.

UNITED STATES OF AMERICA, }
 INDIAN TERRITORY, } ss.
 NORTHERN DISTRICT.

No. **342**

To any Person Authorized by Law to Solemnize Marriage—Greeting:

You are hereby commanded to Solemnize the Rite and publish the Bans of Matrimony between
 Mr. **Possy Gibson**, of **Coffeyville, Ks.**, in
 the Indian Territory, aged **23** years, and Miss **Ollie Fox**,
 of **Coffeyville, Ks.**, in the Indian Territory, aged **19** years,
 according to law, and do you officially sign and return this license to the parties therein named.

WITNESS my hand and official seal at Muskogee, Indian Territory this **11th** day of

January A. D. **1902**.

(SEAL)

(Signed) **Chas. A. Davidson**
 Clerk of the U. S. Court.

By (Signed) **E.H. Lybrand** Deputy.

CERTIFICATE OF MARRIAGE.

UNITED STATES OF AMERICA, }
 INDIAN TERRITORY, } ss.
 NORTHERN DISTRICT,

I, **J. S. Kinkaid**, a Minister of the Gospel, Do HEREBY CERTIFY,
 that on the **13** day of **January**, A. D. **1902**, I did duly and
 according to law as commanded in the foregoing License, solemnize the Rite and publish the Bans
 of Matrimony between the parties therein named.

WITNESS my hand this **13** day of **January** A. D. **1902**.

My credentials are recorded in the office of the Clerk of the United States Court, Indian Ter-
 ritory, Northern District, Book **B**, Page **111**.

(Signed) **J. S. Kinkaid**
 A Minister of the Gospel.

27

FD 506

MAR

1902

RECEIVED

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

Mr. Ross Fox,
Corfeville, Kans.,
Cherokee-F-D-508,
Register.

TAMS BIXBY,
T. B. NEEDLES,
C. R. BRECKINRIDGE,
Commissioners.

THE

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
JUN 5 1890

FILE
JUN 5 1901

~~ACTED~~

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

JUN 5 1901

Date

Post Office

District

Coffeyville Kas.

Cov

1. Name

Earn Fox

Age 74

Owner's name

Lizzie DeLans

Citizenship

Cherokee

Year

Kb

Page 101

No. 2527

District

Cov

Parents:

Father

Sam Matton - dead

Citizenship

Mother

Lettie Stinnett - dead

Citizenship

2. Name of wife

Nancy Fox

Age 43

Owner's name

Aminda Murrell

Citizenship

Cherokee

Year

Kb

Page 101

No. 2528

District

Cov

Parents:

Father

Thos. Ross - living

Citizenship

Ches. Freedman

Mother

Winnie Murrell - dead

Citizenship

" "

Names of Children:

3. Name

Mie Fox

Year

Kb

Page

101

No.

2531

Dist.

Cov

18

4. Name

John

Year

"

Page

101

No.

2532

Dist.

"

14

5. Name

Arthur

Year

"

Page

101

No.

2533

Dist.

"

11

6. Name

Hattie

Year

"

Page

101

No.

2534

Dist.

"

7

7. Name

Ruthie

Year

"

Page

"

No.

"

Dist.

"

4

8. Name

Mary

Year

"

Page

"

No.

"

Dist.

"

2

9. Name

"

Year

"

Page

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No.

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Dist.

"

"

10. Name

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Year

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Page

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No.

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Dist.

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11. Name

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Year

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Page

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No.

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Dist.

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12. Name

"

Year

"

Page

"

No.

"

Dist.

"

"

Application made by

No. 1

Stenographer

B. B. Jones

1 On Wallace poll, P. 113 *2389 - Cov

2 "And 8," affidavits of birth to be supplied.

Doubtful

Mellethe and Smith, attys. for applicants.

J. J. 508

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
JUN 8 1901

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

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COMMISSIONERS:
HENRY L. DAWES,
TAMM STUBB,
THOMAS B. NEEDLES,
C. R. BRACKINRIDGE

ALMOND L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chelsea, Indian Territory, June 8th, 1901.

Received of the Commission to the Five Civilized Tribes
one copy of the original testimony in the matter of the application
of Hens Fox et al for enrollment as Freedmen of the Cherokee
Nation.

Wm. Mellette

Attorneys for Applicants.

Cherokee F. #2502.

Muskogee, Indian Territory, July 18, 1902.

Posay Gibson,

Coffeyville, Kansas,

Dear Sir:

The Commission is in receipt of your marriage license and certificate showing your marriage on January 15, 1902, to Miss Ollie Fox. The same is herewith retained to you a copy having been made and retained in the Commission's files.

The affidavit heretofore received as to the birth of your child Leever Gibson, is in due form ~~to~~ was received subsequent to July 1, 1902, at which time, under instructions from the Secretary of the Interior, this Commission ceased to receive applications for enrollment as citizens of the Cherokee Nation; consequently, no action can be taken upon this application at this time, but same will be held pending action by the tribe upon the Cherokee agreement. Should that agreement be ratified your child, Leever Gibson, will be listed for enrollment.

Yours truly,

Commissioner in Charge,

Encl. B-75.

Cherokee Freedmen
D-308 et al.

Muskogee, Indian Territory, March 5, 1904.

W. W. Hastings,

Attorney for Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 3, 1904, in the consolidated case of Esau Fox et al., granting the application for the enrollment of Flora Murrell, and rejecting all the other applicants included therein, as Cherokee freedmen.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file such protest as you may desire to make against the action of the Commission as to Flora Murrell, a copy of which protest you will be required to furnish said Flora Murrell. If you fail to file protest within the time allowed this decision will be considered final.

Respectfully,

Enc. D-38.

Commissioner in Charge.

Cherokee Freedmen

D 508

Muskogee, Indian Territory, April 22, 1904.

Esau Fox,

Coffeyville, Kansas.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 5, 1904, in the consolidated case of Esau Fox, et al., rejecting, among others, your application for the enrollment of yourself, your wife, Nancy, your six minor children, Ollie Gibson and Joe, Arthur, Mattie, Ruthie, and Mary Fox, and your minor grandchild, Leever Gibson, as Cherokee freedmen. There has heretofore been furnished your attorney, Edgar Smith, Vinita, Indian Territory, a copy of the record of proceedings, and there has this day been transmitted to him a copy of the Commission's decision.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Encl. 7-18

Register.

Chairman.

Cherokee Freedmen
B 508, et al.

Muskogee, Indian Territory, April 23, 1904.

Edgar Smith,
Attorney for Esau Fox, et al.,
Vinita, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 8, 1904, in the consolidated case of Esau Fox, et al., granting the application for the enrollment of Flora Murrell as a Cherokee freedman, and rejecting, among others, the applications for the enrollment of Esau, Nancy, Joe, Arthur, Hattie, Ruthie and Mary Fox, Ollie and Leever Gibson, Eliza, Frank, Irving G., Allen, Alice, Bert and Jake Leoney, Joe and Chaney Hess, John Shadd, Phillis, Luther J., Vessie, Ezra and Ermer Alexander, Nelson Murrell, and Maggie and Lloyd Willis as Cherokee freedmen. You have heretofore been furnished with a copy of the record of proceedings.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Encl. V-33
Register.

Chairman.

Cherokee Freedmen
D 508, et al.

Muskogee, Indian Territory, April 23, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the consolidated case of Esau Fox, et al., including the Commission's decision dated March 8, 1904, granting the application for the enrollment of Flora Warrell as a Cherokee freedman, and rejecting the applications for the enrollment of Esau, Nancy, Joe, Arthur, Mattie, Ruthie and Mary Fox, Willie and Leever Gibson, Tobe, Eliza, Frank, Irving G., Allen, Alice, Bert, Jake, Steve and Peggy Leoney, Joe, Lewis, David, Joseph, Harry, Herbert, Vernie, Nelson, Alva, John H. and Chancy Ross, John Shadd, Phillis, Luther F., Vessie, Mera and Emerson Alexander, Nelson Warrell, Emma Brown, and Steve, Maggie and Lloyd Willis as Cherokee freedmen.

Respectfully,

Encl. V34

Chairman.

Through the
Commissioner of Indian Affairs.

Cherokee Freedman
D 808

Muskogee, Indian Territory, May 5, 1904.

Beau Fox,

Coffeyville, Kansas.

Dear Sir:

In accordance with your request of May 4, there is herewith inclosed a copy of the testimony taken in the matter of your application for enrollment as a Cherokee freedman.

Respectfully,

Encl. V-14

Commissioner in Charge.

(C O P Y)

Refer in reply to
the following:

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,

WASHINGTON, August 23, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose herewith, a report from the Commission to the Five Civilized Tribes, dated April 23, 1904, transmitting the consolidated record of the application for enrollment as Cherokee Freedmen by Esau Fox for himself, his wife, Nancy, and his minor children, Ollie Fox (now Ollie Gibson), Joe Fix, Arthur Fox, Hattie Fox, Ruthie Fox, and Mary Fox, and the child of Ollie Fox Gibson, Leever Gibson; by Emily Looney for her husband, Tebe Looney; by Eliza Looney for herself and her husband, Frank Looney; by Joe Ross for himself and his two grand sons, Irving M. Looney and John Shadd, by Phillis Alexander for herself and her four minor children, Luther J. Vessie, Kara and Elmer Alexander; by Nelson Murrell for himself and his wife, Flora Murrell; by Lewis Ross for himself; by Allen Looney for himself and his two minor children, Alice and Bert Looney; by Jake Looney for himself; by David Ross for himself and his minor children, Joseph, Harry, Herbert, Vernie, Nelson, Alva and John H. Ross; by Steve Looney for himself and his wife, Peggy Looney; by Chaney Ross for herself; by Emma Brown for herself and her minor son, Steve

Willis; by Maggie Willis for herself and her minor son, Floyd Willis.

March 5, 1904, the Commission decided favorably to the enrollment of Flora Murrell, and adversely to the other applicants.

The record shows by a preponderance of credible testimony that the principal applicants and the ancestors of the others were slaves of citizens of the Cherokee Nation at the beginning of the war of the rebellion; that they were taken out of the Nation during the war and returned and established homes in the Cherokee Nation prior to February 11, 1867.

All applicants of sufficient age are identified on the Wallace and Kern-Clifton rolls, and in isolated cases are found upon the 1860 authenticated Cherokee roll, but it appears from the act of Congress approved June 28, 1896 (30 Stats., 495) section 21, that this roll was not intended for freedmen, but they were specifically excluded from the same.

There is some testimony in the record in behalf of the Cherokee Nation, but it appears to be that of stock witnesses who have appeared in many of the Cherokee freedmen cases.

In view of the record it is recommended that the Commission's decision favorable to Flora Murrell be approved and

that so much of the same as relates to the other applicants
be returned and their names detailed as otherwise freedom.

Very respectfully,

T. A. Jones

Commissioner.

H. H. H.

DEPARTMENT OF THE INTERIOR,

Y.P.
RAY.

WASHINGTON,

IND. 6786-1904.

August 31, 1904.

L.R.S.

The Commission to the Five Civilized Tribes,

Washington, D.C.,

Gentlemen:

March 8, 1904, you rendered your decision in the case involving the applications for enrollment as Cherokee freedmen, of Flora Marrell, Rosa Fox, Nancy Fox, Ellis Gibson and Fox, Joe Fox, Arthur Fox, Mattie Fox, Ruthie Fox, Mary Fox, Leever Gibson, Yuba Looney, Eliza Looney, Frank Looney, Joe Ross, Irving A. Looney, John Shadd, Phillis Alexander, Luther J. Alexander, Vessie Alexander, Sara Alexander, Wm. Alexander, Nelson Marrell, Lewis Ross, Eliza Looney, Alice Looney, Bert Looney, John Looney, David Ross, Joseph Ross, Harry Ross, Herbert Ross, Virginia Ross, Nelson Ross, Alva Ross, John H. Ross, Steve Looney, Peggy Looney, Chancy Ross, Hank Brown, Steve Willis, Maggie Willis and Elva Willis, holding that Flora Marrell should be enrolled, and that the other applicants should not be enrolled.

It was stated that the principal applicants claim for themselves as former slaves of Cherokee citizens, and for their children and grandchildren included in their

respective applications, as their descendants; that all of such applicants claiming by descent were born since the commencement of the rebellion, and it is not shown that they have any rights as Cherokee freedmen other than as such descendants.

You found that the evidence shows that Sam Fox, Nancy Fox, Tobe Leoney, Joe Ross, Nelson Murrell, Flora Murrell, Lewis Ross, Allen Leoney, Mild Ross, Steve Leoney, Peggy Leoney and Chancy Ross were slaves of Cherokee citizens at the commencement of the rebellion; that all of them, except Flora Murrell, removed from the Cherokee Nation during the rebellion, and did not return thereto and did not take up their residence therein until after February 11, 1867.

Reporting in the matter August 23, 1884, the Commissioner of Indian Affairs states that the record shows by a "preponderance of credible testimony" that the principal applicants were taken out of the nation during the war, and returned and established homes in the Cherokee Nation prior to February 11, 1867; that all applicants of sufficient age are identified on the Wallace and Horn-Clifton rolls, and "in isolated cases are found upon the 1860 authenticated Cherokee roll, but it appears from the act of Congress approved June 28, 1882 (22 stat., 455)

section 21, that this roll was not intended for freedmen, but they were specifically excluded from the same.⁴ He states that there is some testimony in the record in behalf of the Cherokee Nation, but that it appears to be that of "stock witnesses" who have appeared in many of the Cherokee freedmen cases. He recommends that all of the applicants be enrolled.

The Commissioner is in error in stating that some of the applicants are on the 1880 roll. As stated in your decision, none of the applicants is identified on the 1880 authenticated Cherokee roll. In regard to his statement concerning the 1880 roll, attention is called to departmental letter of May 11, 1900, in which you were advised that the roll of 1880 made by the Cherokee Nation, is to be accepted by you as conclusive of the rights of all persons claiming as Cherokee freedmen, whose names are found thereon and of their descendants.

The Department finds nothing to warrant the conclusion that the witnesses for the nation are "stock witnesses."

It is true that, corroborating each other's statements to some extent, most of the principal applicants claim to have come to the Cherokee Nation in the fall of 1846, with Nelson Marrell, one of the applicants. The nation produced a number of witnesses who testified that

the two principal applicants, Ned Fox and Nelson Marrell, were residing with their families in northern Kansas, north of the Cherokee Nation, in 1898, 1907, 1908 and 1909, and, some of the witnesses stated, even at a later date; also witnesses to show that in 1908 no freedmen were residing in the Cherokee Nation where most of the principal applicants claim to have been living from September, 1904.

The Department finds no reason to disturb your decision, and it is hereby affirmed. You will, however, adjudicate the rights of Nelson Marrell to citizenship as an intermarried citizen.

A copy of the Commissioner's letter is inclosed.

Respectfully,

Thos. Ryan,

Acting Secretary.

1 inclosure.

COPY.

Cherokee Freedmen
D 800

Muskogee, Indian Territory, October 6, 1904.

Esau Fox,

Goffeyville, Kansas.

Dear Sir:

You are hereby advised that the Commission's decision dated March 5, 1904, rejecting, among others, your application for the enrollment of yourself, your wife, Nancy Fox, your children Ollie Gibson and Joe, Arthur, Hattie, Mathie and Mary Fox and your grandchild, Leever Gibson, as Cherokee freedmen, was affirmed by the Secretary of the Interior on August 31, 1904.

Respectfully,

(SIGNED) *Tams Dixby.*
Chairman.

COPY.

Cherokee Freedmen
D 500, et al.

Waskagee, Indian Territory, October 6, 1904.

Edgar Smith,

Attorney for Hans Fox, et al.,

Vinita, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated March 8, 1904, granting the application for the enrollment of Flora Marrell, and rejecting, among others, the applications for the enrollment of Hans, Nancy, Joe, Arthur, Mattie, Ruthie, and Mary Fox, Ollie and Leever Gibson, Maggie and Lloyd Willie, Chaney and Joe Ross, Jake, Allen, Alice, Bert, Irving G., Frank and Eliza Looney, Phillis, Luther J., Vessie, Mera and Emma Alexander, John Ghadd and Nelson Marrell, as Cherokee freedmen, was affirmed by the Secretary of the Interior on August 31, 1904, and the Commission ordered to adjudicate the rights of the said Nelson Marrell as a citizen by intermarriage of the Cherokee Nation.

Respectfully,

(SIGNED). *Tams Bixby.*
Chairman.

COPY.

Cherokee Freedmen
D 808, et al.

Waskagee, Indian Territory, October 6, 1904.

Bell, Hastings & Davenport,
Attorneys for the Cherokee Nation,
Vinita, Indian Territory.

Gentlemen:

You are hereby advised that the Commission's decision dated March 8, 1904, granting the application for the enrollment of Flora Marrell and rejecting the applications for the enrollment of Hesa, Nancy, Joe, Arthur, Hattie, Ruthie and Mary Fox, Ollie and Leever Gibson, Maggie, Lloyd and Steve Willis, Chaney, Joe, David, Joseph, Harry, Herbert, Vernie, Nelson, Alva, John H. and Lewis Ross, Irving C., Jake, Allen, Alice, Bert, Frank, Eliza, Steve, Peggy and Tobe Leoney, John Shadd, Phillis, Luther J., Vessie, Mera and Homer Alexander, Nelson Marrell and Emma Brown, as Cherokee freedmen, was affirmed by the Secretary of the Interior on August 31, 1904, and the Commission ordered to adjudicate the rights of the said Nelson Marrell to enrollment as a citizen by intermarriage of the Cherokee Nation.

Respectfully,

SIGNED, *Tams Bixby.*
Chairman.

Washages, Indian Territory, November 20, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

January 15, 1906 (I.T.D. 8297-8327-8967, inclusive-odd numbers-1905-460-1906), the Department forwarded this office a copy of an approved opinion of the Assistant Attorney General, dated January 10, 1906, "relative to 311 motions in Cherokee freedmen cases;" also copy of a schedule of names of claimants in said cases furnished by the attorneys filing the motions, and a copy of the letter of said Attorneys, and of Departmental letter to said Attorneys.

The Assistant Attorney General, in his opinion, states that "the numeral memorandum at head of the reference (copied at head hereof) indicates that the motions involved seven hundred and twenty-two cases, though the motions referred to are numbered but three hundred and eleven."

The records of this office have been made to show that motions were filed September 7, 1905, the date of the filing with the Department, in all of the cases included in the copy of schedule of names furnished this office by the Department January 15, 1906.

Secretary of the Interior -- 2.

A great many of these motions were denied by the Department in its two letters to this office, dated May 2, 1906 (I.T.D. 8347.....8705, and I.T.D. no number).

Among the cases included in said copy of schedule are all the cases embraced in the Cherokee freedmen consolidated case of Zeau Fox, et al., except Allen Looney, et al., D.551, and Jake Looney, et al., D.573, in which the decision of the Commission to the Five Civilized Tribes, dated March 5, 1904, adverse to all of the applicants except Flora Marrell, was affirmed by the Department August 31, 1904 (I.T.D. 6756-1904).

Among the cases in which motions for review were filed September 7, 1905, and were denied by the Department May 2, 1906 (I.T.D. 8347...8705-1905), was that of Maggie Willis, et al., D.936, which case was consolidated with that of Zeau Fox.

So far as this office is informed, all of the motions filed September 7, 1905, were simply based upon an alleged misconstruction of the Treaty of July 19, 1866, relative to the return to the Cherokee Nation of Cherokee freedmen. The records fail to show that said motions in the consolidated case of Zeau Fox, et al., except the one filed in the case of Maggie Willis, et al., have been acted upon by the Department and, in view of paragraph 2, of section 3, of the Act of Congress approved April 26, 1906 (34 Stat.,

Secretary of the Interior -- 3.

1873), it appears that there is no merit to the motions, and it is respectfully recommended that they be denied.

June 18, 1906 (T.I.D. 5724-1904, 2549-4719-1906), the Department denied a motion filed March 16, 1906, on behalf of Joseph Ross, et al., for a rehearing of the consolidated applications of Flora Marvell, et al., (Hess Fox, et al.).

Respectfully,

Through the
Commissioner of Indian Affairs.

Commissioner.

S.V.

Department of the Interior.

Commission to the Five Civilized Tribes.

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
JUN 5 1901


ACTING CHIEF

Cher. Fr. R. - 644

Cher. Fr. R. - 644

Trans. from F.D 511

File with Cherokee freedman D-

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T. May 9, 1901.

In the matter of the application of Aaron Webber for enrollment as a Cherokee Freedman.

Aaron Webber, being duly sworn and examined by Commissioner Needles, testified as follows:

- Q What is your name? A Aaron Webber.
- Q How old are you? A 36 I think.
- Q What is your post office address? A Wymer, Cherokee Nation.
- Q What district do you live in? A Cooweescoowee district.
- Q Do you apply to be enrolled as a Cherokee Freedman? A Yes, sir.
- Q Do you want to enroll anybody besides yourself? A Just myself.
- Q Have you ever applied to be enrolled by any other tribe or Nation besides the Cherokee Nation? A Yes, sir, the Clifton Court and the Wallace Court.
- Q The you apply to any other Nation, the Creeks? A No, sir.
- Q Never drew any money from any other Nation? A No, sir, I didn't.
- Q Have you been recognized by the Cherokee authorities as a Cherokee citizen? A Yes, sir.
- Q Is your name on the roll of 1880? A It is on this roll here Mr. Bledsoe has got here; I ~~was~~ come with my brother Sam Webber.
- Q Is your name on the roll of 1880? A No, sir.
- Q Did you ever draw your strip payment money? A Yes, sir.
- Q How much did you draw? A \$15.50, and then I drew this other payment, this last payment, I drew it.
- Q You drew the last payment? A Yes, sir.
- The 1880 authenticated roll of Cherokee Freedmen examined and the applicant not identified thereon.
- The 1895 census roll of Cherokee Freedmen examined and the applicant not identified thereon.
- The Kerns-Clifton roll examined, and the applicant identified thereon, page 126, No. 315, Cooweescoowee district.
- Q Were you a slave before the war? A Yes, sir.
- Q Who did you belong to? A Tatie Webber.
- Q Was she a Cherokee citizen? A Yes, sir.
- Q Where did you go during the war? A Went to Kansas.
- Q When did you come back from Kansas? A Came back in 1866.
- Q You been living here ever since? A Yes, sir.
- Q Are you married? A No, sir.
- Q Ever been married? A No, sir.
- Q Got no children then? A No, sir, I haven't.
- Q You are certain you came back in 1865? A Yes, sir, I did.
- Q Who did you come back with? A Sam Webber and my father.
- Q Why is your name not on the roll of 1880? A Why I can't tell you about that.
- Q Did you ever try to have it put on? A Yes, sir.
- Q They refused to do it? A Yes, sir, must have, for it aint there.
- Mr. F. W. Hastings, attorney for Cherokee Nation: You say you returned with your brother Sam? A Yes, sir, I did.
- Q Did you come the first time he came out here? A Yes, sir, I did.
- Q What time of the year was it? A '66.
- Q What time in the year '65? A Well you see I can't read and I can't write, I didn't keep no count of the days and the months because my owner's didn't give me time to get my education.
- Commissioner: Was it in the fall or summer? A It was along in March when I came back in 1866.
- Mr. Hastings: Was it the March after the treaty was made? A Yes, sir.
- Q You are certain of that? A Yes, sir, I am.
- Q And you came back with him at that time? A Yes, sir.
- Q Did he bring his family along then? A Yes, sir.
- Q His wife and children? A Yes, sir.
- Q He had already been out there and put up a house? A Yes, sir, I had come out before that and I come with him, and we put up a house and I came back with him in '66.

Q ~~The first time you came back~~ was in March after the treaty was made? A Yes, sir, that is when we moved there.

Q How long before that was it when you came out? A I can't give the days of the months, how long it was we came out, but we came and put up a house one fall and went back and came right on down.

Q About how long did you stay out here when you had put up the building? A We stayed three or four days and then went right back and moved down.

Q What kind of buildings did you put up? A We put up a log cabin.

Q Out on Big Creek? A Yes, sir.

Q How far from where Sam Now lives? A Sam lives on the north side of Nowata and we live up there on Big Creek, I can't tell you exactly how many miles, but he lives at Nowata and we live up there on Big Creek.

Q What old citizen lives near where you first located, where you first located when you first moved out? A There isn't anybody lives there now.

Q Name some old citizen who lives at the place now where you located then? A Sam Webber.

Q Does Sam Webber live at that place now? A He did live there but he don't live there now.

Q Who lives at the place Sam and you came to? A The Meigs and Whitmires and Sanders, and a whole lot of them.

Q You have lived there ever since? A Yes, sir.

Q You came out in wagons the first time? A Yes, sir, because Sam Webber drove the ox wagon and I drove the horse wagon.

Q Do you know anything about dates? A I know when they say the year is out, and this year is in.

Q What year is this? A If I am not mistaken I think this is May.

Q The year though? A I can't tell you exactly what year it is, because I am not educated like you smart men.

Q You are satisfied in '66 you came here in March? A Yes, sir.

Commissioner: Do you know when the treaty was adopted, know what month it was adopted in, the treaty; you told Mr. Hastings you came here the march after the treaty was adopted; you don't know what month in 1866 the treaty was adopted? A No, sir, I don't.

Q Have you got any witnesses? A Yes, sir, Sam Webber, and Abe Hare.

Sam Webber, being duly sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A Sam Webber.

Q What is your age? A About 58; somewhere near about that.

Q What is your post office address? A Nowata.

Q Are you a recognized citizen of the Cherokee Nation? A Yes, sir.

Q Your name on the 1880 roll? A Yes, sir.

Q Do you know Aaron Webber? A Yes, sir.

Q Is he any relation to you? A He is my brother.

Q Was he a slave? A Yes, sir.

Q To whom did he belong? A Takie Webber.

Q Was she a Cherokee citizen? A Yes, sir.

Q By blood? A Yes, sir.

Q Where was he during the war? A He was with us in Kansas.

Q When did he come back? A He came with us when we came back in July.

Q You came in July from Kansas and he came with you? A Yes, sir.

Q What year was that in? A In 1866.

Q He was a slave the same as you? A Yes, sir, same as me, with the same owners.

Q Ought to be entitled to the same rights you have got? A Yes, sir, have just the same right, belonged to the same parties too.

Mr. Hastings: Q What time of the year was it you say you brought him back? A We came in July and built houses and went back and moved down.

Q You had heard of the treaty passed? A We came right in the same month the treaty was made in because we overlook the delegates

at Fort Scott.

Q You had heard of the treaty before you left there? A As soon as we arrived at Fort Scott and talked to them, and they told us they had made a good treaty.

Q And you came on down and he came with you? A Yes, sir.

Q Did you bring your families at that time? A I didn't have any family then.

Q The rest of the people, they come along? A Yes, sir, I was small myself. I was with father, we came and built and went and moved some of them after that.

Q How long did you stay down there at this time? A I didn't stay long, I couldn't tell you just how long we really stayed, we didn't stay only long enough to find claims and cut logs and build shanties.

Q Who lives up there at the place that you located, now? A Reuben Sanders lives right where I built my house, he is living there to-day.

Mr. Bell: Where did you start from when you started from Kansas down to Big Creek? A Started from a little creek six miles south of Mound, said to be about twenty miles north of Fort Scott.

Q Had you started to the Cherokee Nation when you came across these delegates at Fort Scott? A Yes, sir.

Q What was your notion about starting? A I had been down here and looked through the country and went back and told them the war was over here as well as everywhere else, and let's come home.

Q You hadn't started then with a view to saving your rights here under the treaty? A We didn't know nothing about the treaty, it wasn't made when we started as we knowed of, until we got to Fort Scott, and we saw the delegates.

Q What time was that? A Along in the last part of July, the last week in July, as near as I can remember.

Commissioner: When Aaron says he came in March he is mistaken?

A He is mistaken, he don't know dates; he is not bright enough to know dates.

Abraham Hare, being duly sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A Abraham Hare.

Q How old are you? A About 20.

Q What is your post office? A Wymer.

Q Are you a Cherokee Freedman? A Yes, sir, claim to be.

Q Your name is not on the roll of 1880, is it? A No, sir.

Q Were you a slave? A Yes, sir.

Q What was your owner's name? A Arlie Hare.

Q Do you know Aaron Webber? A Yes, sir.

Q Was he a slave? A Yes, sir.

Q To whom did he belong? A Takie Webber.

Q Well, did you know Aaron Webber before the war? A Yes, sir.

Q Did he go out of the Cherokee Nation during the war? A Yes, sir.

Q Did you go out? A Yes, sir.

Q What made you colored people go out during the war? A We couldn't stay here.

Q Thought it was safer to go out? A Yes, sir, I had to go out.

Q Why couldn't you stay here? A They wouldn't let us.

Q Who wouldn't let you? A The Rebels and the Yankees neither one.

Q Where was Aaron Webber during the war? A He was with his father up in Kansas.

Q When did he come back? A He come back in the fall of '66.

Q How do you know? A I come with him.

Q And you came at that time? A Yes, sir.

Q Have you known Aaron Webber since that time? A Yes, sir.

Q Has he always lived in the Cherokee Nation? A Yes, sir, lives right by me now.

Mr. Hastings: Your rights are disputed? A Yes, sir, same as his.

Q You were in here this morning; your case was presented?

A Yes, sir.

Commissioner: Aaron Webber applies for the enrollment of himself as a Cherokee Freedman. His name does not appear upon the authenticated roll of 1880, but does appear upon the Kerns-Clifton pay-roll. By reason of the protest of the Cherokee Nation the name of Aaron Webber will be placed upon a doubtful card awaiting further consideration of the Commission.

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C. Jones.

Sworn to and subscribed before me this the 10th of May, 1901.

C. R. Breckinridge.

.....
Commissioner.

Department of the Interior
Commission to the Five Civilized Tribes
Vinita, I. T. October, 29th, 1901.

SUPPLEMENTAL TESTIMONY in the matter of the application of Joe Rosa
C. F. D. 350.

Appearances:

W. W. Hastings for the Cherokee Nation.
Mallett & Smith for the applicants.

DOUGLAS WALKER, being first duly sworn by Commissioner C. R. Breckinridge, testified as follows for the Cherokee Nation.
(By the Commission)

- Q Give me your full name? A Douglas Walker.
Q How old are you? A 50.
Q What is your post office? A Mound City, Kansas.

(By Hastings)

- Q How long have you lived in Mound City, Kansas? A Since May 1857.
- Q What was your father's name? A James Walker.
- Q What was your mother's name? A Miama Walker.
- Q Was your father and mother here the first of the month? A Yes sir.
- Q They testified in this matter at that time did they? A Yes sir.
- Q Do you know Samuel Webber? A Yes sir.
- Q Did you know his son Samuel Webber? A Yes sir.
- Q Where did you know them? A Near Mound City, Kansas; in the neighborhood where I live.
- Q Do you know the applicant here? Joe Ross? A I knew him as Joe Webber.
- Q Is the the same fellow? (pointing) A Yes sir.
- Q Where was he living at the time? A He lived with the older Sam Webber at the time.
- Q You know this applicant here is the same party? A Yes sir.
- Q Did you know a woman named Chlora? A Yes sir.
- Q What relation was she to Joe Ross? A Sister.
- Q Did you know Aaron Webber a little duck legged fellow? A Yes sir.
- Q Where did you know him? A In the same family in Mound City, Kansas, Linn County.
- Q Whose farm did Samuel Webber live on, if you know? A He lived on a farm that belonged to a man named Jeff Flemmings.
- Q I mean in the year 1866? A My father bought the farm.
- Q Of whom did he purchase the farm? A Of Flemmings.
- Q Do you know where young Sam Webber was married? A He was married there in Linn County, near Mound City, in the neighborhood there, where I was living.
- Q Did he marry before or after he moved from that country? A Before he moved.
- Q Mr. Walker, have you looked up the date of when your father purchased that farm? A Yes sir.
- Q The date of the deed? A Yes sir.
- Q What was that date? A The date of the deed is October '66.
- (By Mr. Smith) Object to that if you have not the deed.
- (By Mr. Hastings) Have you looked up the date? A Yes sir, but have forgotten the exact date as to days.
- Q At that time, where was Sam Webber living? A On this farm that father purchased.
- Q Where was young Sam living at the time he married? A On this farm on the same place.
- Q What is your best judgment as to the time Sam Webber, including Joe Ross, Chlora Grayson and Aaron Webber left that country with their women folks and come to this country? A According to my best recollection it was the latter part of February or early in March of '67, I can't state exactly the month; early in the spring of '67 though.
- Q Did they all move down at the same time? A All started together.
- Q Left there together? A Yes sir.
- (By Mr. Smith)
- Q You say you know that this applicant in this case is the same man that you knew at that time in Kansas as Joe Webber? A Yes sir.
- Q How did you know it? A I recognized his countenance as one man knows another.
- Q How? A Well I saw him.
- Q When? A Today.
- Q Where? A On the street.
- Q And you knew him as Joe Webber? A Yes sir, the name Joe Ross was not used much.
- Q When did you first become acquainted with old man Sam Webber? A In '63, he moved on that farm.
- Q Which farm? A The farm my father bought in the neighborhood where I lived, the old Fleming farm.
- Q When did your father buy that farm? A In the fall of '66, I have forgotten the exact day, in October or September.

Q Who owned the farm at the time old man Sam Webber was on it? A Jeff Flemming owned it until my father bought it.

Q How do you know it was '63 that you became acquainted with Sam Webber? A I remember that it was during the last years of the war and the refugees were coming into Kansas, both white and black, in '63 and they were amongst them.

Q Did any come after '63? A Yes sir some came later and some come earlier, and I remember again by this farm, I remember how long they farmed it before we got it.

Q How long? A Three years--four years in the spring of '67.

Q They farmed it four years before your father got it? A They farmed from '63 to '67.

Q You say the reason you knew that you knew this man in '63 was because you knew how long they worked this farm before your father got it? A Yes sir.

Q You say it was in September of 1867 that your father bought that farm? A In '66.

Q You are positive about that? A Yes sir we got possession the first of March '67.

Q Did old man Sam Webber rent this place from your father? A No sir he rented it from Flemmings.

Q Did Sam Webber, the old man and the boys, come down here or leave that country in the fall of '65? A I think not.

Q Don't you remember that they did and that the old man came back by himself one time? A If my memory serve me, it was in '66, late in the summer, or early in the fall of '66.

Q What was in the fall of '66? A That they came down here--started away from there.

Q Who came then? A Sam Webber, the old man, and young Sam and Aaron.

Q What is your recollection as to how long they staid? A They came back I think in November or late in October.

Q Well which came back first? A Why I think the older Sam Webber came first.

Q How long do you think it was before you saw Sam Webber Jr. again?

Q Well, it was a short time, a month or so--I can't recollect that, it is a good while ago.

Q Who helped Sam Webber make a crop in '66? A Johnson Webber and the old man Sam made a crop in '66.

Q Who helped him? A Then two and the little boys I think worked too; Aaron did, I don't know but as Joe did too, I don't remember much about that.

Q Where was old man Sam Webber in July 1866? A That summer he raised that crop and worked part of the summer for my father on this farm.

Q Is it not a fact that in July of 1866 that Sam Webber Jr. came here for his father and that they left there for this country to build some houses? A That is not the way I remember it.

Q You have stated that it was a long time ago, do you think that you remember the dated absolutely? A Not to the day or month exactly, but that is my best recollection.

Q Are you testifying to the best of your recollection? A Yes sir.

Q Do you remember of Sam Webber Jr. bringing any hides to that country?

A Yes sir.

Q When was that? A In the fall or beginning of the winter of '66 and '7 he brought some hides and furs.

Q To refresh your memory, was it not in March? A March when?

Q '66? A No sir.

Q Upon what trip was that that he brought those hides? A He left and said he was coming down on a hunting trip.

Q Was that the trip when he left Kansas and when old Sam returned first that you spoke of a while ago? A Yes sir, that was the one, the same trip.

Q Do you remember of Sam Webber selling out a crop up here? A I don't.

Q Do you remember of them leaving there to come to the Territory to build some houses? A Yes sir.

Q Was that after the time that he brought the hides there? A It was that trip that he left there for the purpose of building some houses that he brought the hides when he returned.

Q Dont you remember of them leaving there to come to the Territory for the purpose of building houses? A Well that was wither in the spring or winter, in the latter part of February or early in March I have not given the matter any considerable study.

Q How do you fix the dates you have given? A I remember them and then by the dates I have looked up.

Q What dates have you looked up? A The purchasing of this land.

Q Are you testifying from the date of the purchase of that land? A Father bought the place in the spring of '66 on condition and paid \$80 down, or traded cattle, as a forfeit, and in the fall he got some money and got full possession of the place; Webber had possession until the first of March, that is the Kansas law, from the first of March one year until the first of March the next year; they had possession of it until March first 1867.

Q Mr. Walker, when you had occasion to investigate this matter, you had forgotten all about it practically hadn't you? A No sir, but it was something I had not thought much of.

Q You couldn't have told on the moment what year Sam Webber left there could you? A I would have had to look at the dates.

Q Then you are not testifying from your recollection, but from the dates that you have looked up since? A Part of it is from recollection and part of it is from looking up the dates.

Q How long has it been since you thought of the time Sam Webber left that country before you made this investigation? A I was asked the question as to when they moved and I hadn't given the matter any thought till then.

Q You didn't know then did you? A Yes sir after I thought it over.

Q How long did it take you to think it over? A I dont exactly remember.

Q Can't you give us some idea of it? A 2 or 3 weeks.

Q Were you here when your father testified in this case? A Yes sir

Q Did you know as much about it then as you do now? A No sir.

Q How long was that from the time you had first been spoked to about the date? A I had not expected then to give testimony in this case and had not thought much about it.

Q What were you doing here then? A I was subpoenaed in another case.

Q You had been talking about this case then? A Not much.

Q How much? A A word or two.

Q And you were here all the time your father and mother were her and yet didn't testify in this case? A Yes sir.

Q You went back to Kansas? A Yes sir.

Q And came back here again to testify? A Yes sir.

(By Hastings).

Q You were subpoenaed by the Cherokee Nation? A Yes sir.

(Continued by Stenographer J. O. Rosson)

Chas. von Weise, being sworn states that as stenographer to the Commission to the Five Tribes, he reported in full the above cause and that the foregoing is a true and complete transcript of his stenographic notes therein.

. Chas. von Weise.

Subscribed and sworn to before me this the 9th of November, 1901.

T. B. Needles,

Commissioner.

The undersigned, being first duly sworn, deposes that as stenographer to the Commission to the Five Civilized Tribes he made the foregoing copy and that the same is a true and complete copy of the original.

Ray Palmer

Subscribed and sworn to before me this 10th day of August, 1902.

Charles C. Johnson
Notary Public.

Before Commissioner Breckinridge, at Tahlequah, I.T., Supplemental C.F.D.-350, Joe Ross.

(By Stenographer: This following testimony was originally taken down by stenographer J.O. Reason, and afterwards dictated by him to stenographer M.D. Green.)

--09--

HENRY C. SHORT, being sworn and examined by Commissioner Breckinridge, testified as follows:

- Q Give me your full name? A Henry C. Short.
 Q How old are you, Mr. Short? A 48.
 Q What is your post office? A Mound City.
 Q In the Cherokee Nation? A In Kansas.
 BY MR. HASTINGS:
 Q How long, Mr. Short, have you lived in and about Mound City, Kansas? A Well ever since the spring of 1857.
 Q What was your father's name? A John Short.
 Q Were you living there in the years '56 and '67? A Yes sir.
 Q Were you living in town or in the country? A Living in the country.
 Q Do you know Douglass Walker that left the stand? A Yes sir.
 Q Did you know a colored man by the name of Sam Webber up there? A Yes sir.
 Q Do you know that young Sam Webber, his son? A Yes sir.
 Q Do you know Joe Rosa? A Yes sir.
 Q This is the man there? (Pointing to the applicant.) A I wouldn't have known him unless he had been pointed to me. They always called him Joe; I don't remember about him being called Joe Ross up there.
 Q Have you talked to him? A Just spoke to him.
 Q Did he recognize you as being the man? A He recognized me as being Short by telling him who I was and where I was from; he claimed that he was one of the boys.
 Q Do you know Aaron Webber, a little duck legged fellow? A Yes sir.
 Q Where did you live in the spring of '66? A In Linn County, on Elk Creek, in Kansas.
 Q Did you live on the same place in the fall of '66? A Yes sir.
 Q Did you live in the same house? A I lived in the same house now that I moved into in the fall of '66.
 Q Well now what time in the fall did you move into it? A Well now it was the last of October or the first of November, I won't say which; along about in them times I moved, that is my folks moved; of course I was small, I moved there after that from the west part of the place to the east part of the place.
 Q Do you know where Sam Webber was at that time? A They lived then at that time in the fall of '66 they lived on the place known as the Fleming place, adjoining farms of ours.
 Q Were they living there when you moved? A That fall?
 Q Yes sir? A They were living there then.
 Q I will ask you what is your best judgment as to the time they moved with their families and left that country? A Well I could not say just how, for I have got nothing to fix them dates. The best of my judgment they left there in February.
 Q February now of what year? A Of '67, I would say that, but now I aint certain, I aint got no opinion about what time they left.
 MR. SMITH: Now I move to strike out the testimony to that effect, because the witness says that is his opinion.
 Commission: We will take it for what it is worth and let the Commission pass on it.
 BY MR. HASTINGS:
 Q That is your best judgement? A Yes, sir.
 Q That is your best recollection? A (No response.)

Joe Ross (sup'1) 8

Q You said I believe you know they were there in the fall? A Yes sir, that is all I can state positively, I don't know how long they were there.

Q You know that by your move? A Yes sir, that is the one thing I have got you know.

Q Do you know Joe's sister, Chlora? A Yes sir, there was a girl there called Chlora, I supposed it was Joe's sister.

BY MR. SMITH:

Q Mr. Short, how old were you in '66? A About 13 years old, September 6, 1866.

Q Now when were you first asked as to the time when Sam Webber left that country? A When was I asked first?

Q Yes? A I think it was last Sunday.

Q Well you didn't know did you? A No, I don't know yet what day he left there at all.

Q Did you have that opinion then? A Yes, I have the same opinion I got now; it was the best of my opinion they left in the spring; I got nothing to say they did or did not.

Q Where was Sam Webber, Jr., in February 1866? A I don't know.

Q Where was he in October, 1865? A He was on the creek.

Q Did you see him? A Yes, he was there; he hadn't moved; he come down here and went back again in the fall; and the whole family was all there in the fall.

Q That was in the fall of 1865 was it? A Fall of 1866.

Q I am talking about 1865? A Well they was there too.

Q Did you see him? A Yes, of course they was there.

Of course, well how do you know, did you see him? A Yes I saw him.

Q Where did you see Sam Webber in the fall of 1865? A Oh I don't know; he worked some for us.

Q Did he work for you in the fall of 1865? A Worked for my grandfather some.

Q That young Sam Webber? A Yes, sir.

Q You say you knew young Sam Webber, the younger of the two?

A Yes, sir, I knowed young Sam and old Sam too.

Q Did you know young Sam Webber, called Sam Webber, Jr? A Yes sir, of course it has been a long time from the time I saw him, from the time he left there until I come down here; saw him the first time as soon as I moved there.

Q What did you say about his being a boy? A I suppose he was a young man, I couldn't say as to that.

Q What about Joe Ross, was he a boy? A Yes sir, Joe was younger than me if I am not mistaken. Wasn't much difference in the ages, but I think he was younger than me.

Q Now is it not a fact that Sam Webber and his father old Sam Webber and Aaron Webber came to the Cherokee Nation in the fall of 1865?

A I think not, I don't think they did; they was there in 1865 but they was going and coming all the time; they come down in 1866 and located.

Q They came in 1866 and located? A Yes sir, but they come back and got their family.

Q Now you know only that they were there in 1865? A I know they were there in '66.

Q You don't know what time in '65 they were there? A They were there before '66.

Q Well I am talking about '65; were they there in the spring of '65? A I couldn't say what time of the year; I think they were there all the time.

Q You don't know whether they were there all the time in 1865 or not? A No sir, I couldn't say that they was.

Q Do you remember Sam Webber Sr. and Sam Webber Jr. and Aaron Webber coming down to the Cherokee Nation at any time? A They come down in the summer of '66 I think, directly after crops was made; they come down here and they went back up there together in the fall.

Joe Ross (born 1877).

- Q Well did they ever come back together? A I don't know whether they did or not. Aaron didn't come back I don't think.
- Q What about Sam W., did he come down with him? A Yes sir, I don't know whether Aaron came back or not. I know Sam and the old man came back and got the family.
- Q Do you know how they came back together? A Yes, I am pretty sure that they came back. I know I saw them after.
- Q Do you remember of Sam Weber's ever bringing any horses into the country? A No sir, I don't remember. I remember Sam telling me he had him back up.
- Q When did he tell you he had his cabin up? A In the fall of '66.
- Q He had been down here in the fall of 1866 and had built a cabin? A Yes sir, he told me he had his cabin built.
- Q And now that final move when they took all the people out you think was in what time? I don't know, but it runs in my mind as February or March. I don't say anything about that.
- Q What year? A '67.
- Q You say you don't say anything about that? A I don't know whether it was or not.
- Q You don't know whether it was or not? A No sir, that is a fact; but it runs in my mind it was.
- Q Where was Sam Weber during the winter of 1866 and '67, the winter that corresponded with December, 1866 and ended with February 1867? A I think he was there.
- Q Well, did you see him there? A Yes, I think he was there pretty much all the time.
- Q Well do you give it? A I give him up to him; that's my opinion he was there.
- Q You don't state it positively that he was or was not? A I know most of them was there and I believe he was too.
- Q You can't state that positively? A No sir, not unless I get something to go by.
- Q You don't say that? A No sir.
- Q Now can you remember about Sam Weber coming up there in the spring of 1867 and bringing some beef hides? A No sir, I can't remember; of course they came in a long time ago; how I have got these things fixed in my mind that was in the fall of '66 I was moving from one farm to the other and that was in the fall.
- Q You don't say of it that time? A No sir, that moved from the west to the east.
- Q And you were a boy about 13 years old? A Yes sir.
- Q That is there for that to fix the date in your mind it was in 1866 not more than 1865 you moved? A I know we moved from the things that occurred in the death in the family of a young man that was there. I know it was '65.
- Q How about that now about the death in the family? A There was a young man died in the family in '59, 3 years after we moved there it must have been one of the things that he did when we moved from one house, but he didn't have in his house at all.
- Q You don't seem to be positive about any of these dates you give?
- Q Why I do, when the family moved over, remember that fact.
- Q I mean about father's movements? A They was all there in the fall of '66; they was all there in October or November one of the two months; I don't know we moved about.
- EX MR. H. WIGGINS:
- Q Now you have missed them up there in 1865 did you? A No sir.
- EX MR. H. WIGGINS: I object to that. It is not competent for him to say that.
- Q Did you ever talk them up with the summer of 1867? A No sir, I have no recollection of them leaving there until that.
- Q What is your first recollection of their leaving? A Yes, sir.
- MR. A. STONE, being sworn and examined by Commissioner Brachman, testified as follows:

Q Give me your name, Madam? A Mary A. Hicks is the way I sign my name.

Q How old are you? A If I live to the 21st of next month I will be 67 years old.

Q What is your post-office? A Mantey.

Q Is that in Kansas? A Yes sir.

BY MR. HASTINGS:

Q How far do you live from Mound City, Kansas, Mrs. Hicks? A I live six miles.

Q How long have you lived in that neighborhood? A Ever since the spring of 1864.

Q You were living there then after the war? A Living there in the time of the war.

Q Do you know Mr. Walker, Douglass Walker, that has been on the stand? A Yes sir.

Q Do you know Mr. Short that left the stand here? A Yes sir.

Q Mrs. Hicks, did you know of a man up there by the name of Sam Webber? A Yes sir.

Q How far did you live from him just after the war? A Well I think it was about 175 steps; they used water out of my well.

Q Did you know his son, young Sam Webber? A Yes sir.

Q Well did you know a little short one called Aaron Webber? A Yes sir.

Q Did you know a boy called Joe Ross? A Yes sir.

Q Have you seen any of these parties since you have been here this time? A Why I met Joe Ross down there; he said he knew me and come up and shook hands with me and I saw Sam Webber.

Q I will ask you to look if this is the same parties now? A Well I tell you Ross don't fever himself so much, but Joe he is just like his father and I knowed him because he is just like his father; well old uncle Sam was older than Sam is of course.

Q I will ask you if you had any deaths in your own family in the fall of '66? A Yes sir.

Q What was the date of it? A The date of the death?

Q Yes, madam? A Well it was October.

Q Did you make any record of it in your Bible? A Yes sir.

Q Is this your Bible? A I reckon it is; if you will let me look I will tell you.

Q Look at it and see if this is your Bible? A I think it is, but I can't read it; I haven't got my glasses.

Q You haven't got your specs? A No sir.

Q Well of the family record here of births and deaths appear this:

"Franklin Hicks, was born November 7, 1844." A Yes sir.

Q And under the column of deaths appears: "Died October 23, 1866"?

A That is correct.

Q Who was Franklin Hicks? A He was my son.

Q Do you know when Sam Webber was when your son Franklin died?

A No sir, I could not tell you.

Q Don't know? A No, I don't; you want this Sam?

Q That Sam? A Oh, the old gentleman; he lived up there by me, I think; I was some occasionally he lived there then.

Q Do you know when his wife died? A His wife died there.

Q Well do you know whether she was dead at the date of your son's death? A Yes sir, she died I think before he died; there was an old lady, they called her old Aunt Anna, living.

Q She was living? A Yes sir.

Q Was she a member of this family? A Yes sir, she lived there with them.

Q Well do you know whether she was there during the sickness of your child? A Yes sir, she sat up with me several times, and if it was a bad night and she saw no one, come in she would come and sit up with me.

Q Did you know a sister of Joe's called Chloa? A Yes sir.

Q Now I would like to have your best judgment Mrs. Hicks as to the time Old Sam Webber moved with his family and children from that country? A - -

MR. SMITH: The applicant objects to the witness giving her opinion as to the time when this sickness took place, because it is not the subject of their expert or opinion evidence.

COMMISSION: I understand the question to be her best recollection.

A It has been a long time you know.

Q Well, answer the question? A About his being there?

Q I want to know, the question is, what is your best recollection as to the time Sam Webber and his family, when he left Kansas with his family? A

OBJECTED to by applicant.

A Well my best recollection was that, I would not be positive of course, but I think it was in February or March, one or the other. The best of my recollection, because the old lady, old aunt Rhoda and uncle Cy, that was her husband, they both was old and feeble and I think old uncle Sam stayed there on that account more than anything as long as he did.

Q Well now that would be February of what year? A It would be '67 wouldn't it?

Q You lived then about 175 yards of them? A Yes, sir, I could hear them sing over there and hear them laugh and talk to my house.

Q On whose place were they living? A Well they was living on Mr. Walker's place then.

Q Had he recently purchased it? A Yes sir.

Q Do you remember who he purchased it of? A I think it was a man by the name of Fleming; I think it was Flemings owned it.

BY MR. SMITH:

Q About how long, Mrs. Hicks, had Mr. Walker owned this place at the time these people lived there? A Well I couldn't answer that question

Q Well you could tell whether it had been a few months or whether it had been a year or two? A It was, I suppose it may be quite a while, I couldn't tell you.

Q You remember that Mr. Walker owned a place there? A Of course I know he had charge of the land; I think Mr. Walker bought it from Mr. Fleming if I ain't mistaken.

Q And you know these Webbers were living on the Walker place?

A Yes sir.

Q Well now what is your best recollection as to how long Mr. Walker had owned that place? A I don't know; I won't pretend to say anything I don't know; I don't want to meddle with, I didn't come down here to criticize or anything about it; I want to tell the truth as far as I can.

Q Where was young Sam Webber in December, 1865, and up until January or February of 1866? A I could not tell you where he was, I think Sam worked out some around; I couldn't tell you whether he was at home all the time or not; I could not tell you.

Q Where was young Sam Webber at the time your child died? A I couldn't tell you that; this one?

Q Yes? A I don't know.

Q He was not there was he? A I don't know, I couldn't say as to that.

Q Do you remember old man Sam Webber and young Sam Webber and Andy Webber and others leaving; Aaron Webber and others leaving that community in 1866 and coming down to the Cherokee Nation? A I recollect only Sam coming down here, I don't know, I won't be positive, I guess though it was in '66.

Q Well about how long was it ago, your best recollection, before this date in the fall that you have spoken of? A I don't know.

Q Don't know? A No I don't; but I recollect about it; he brought me back spice wood and bassafra root.

Q Do you remember young Sam bringing some hides to the community?

A No sir, I didn't charge my mind with anything like that.

- Q Well now give me some idea, Mrs. Hicks, about the time old man Sam Webber started off on this trip to the Cherokee Nation in 1866. What you testified about? A Why I don't know; he came in the fall I reckon.
- Q You don't know whether it was fall, summer or spring? A No sir, I don't.
- Q Well how is it you have no better recollection of this very time that you mention he came than you have of the first time? A I know he was there when that child of mine died.
- Q And you don't know how long after that? A No, they went along the latter part of the winter, but I don't know what time; I think though it was in February or March.
- Q You couldn't be positive whether it was February or after Christmas would you? A I don't think it was before Christmas.
- Q You don't think that was? A No I can't, for several facts.
- Q You can't state positively whether it was before or after Christmas, you can't swear it? A I wouldn't want to swear it either way.
- Q Where did you move from to this place that you live? A Where did I move from?
- Q How long have you been living at this place now where you lived when your child died? A I have been living on the place ever since the spring of '67.
- Q About how long did you remain on the place? A I stay there yet, when I am at home; my husband is dead.
- Q Do you know how many trips Sam Webber made to the Cherokee Nation before this time that he came away from there the last time? A No sir, I don't.
- Q You know of his coming one time? A I know him and his father and I think Aaron, and I don't know whether Joe was along or not.
- Q Well is this Joe? A Well of course, oh that one, Joe Webber that one sitting there?
- Q Yes? A I think it is.
- Q Which one of them don't look familiar? A That one, he was nothing but a boy when I knew him.
- Q Which one, the right one here, the black one? A Yes sir.
- Q What is his name? A Joe we always called him.
- Q And what is this man right here? A Sam, that is the way we always called him.
- Q You think that is the man you knew up there in Kansas? A This Joe? A I don't know, he says it is; he was nothing but a boy when I saw him.
- Q You don't recognize him then? A Hardly, I wouldn't know; he says he is the man; I used to think he was a very good boy when they lived there, but then he has grown out of my knowledge.
- Q You don't know where the old man Sam Webber was in July '66 do you? A No sir.
- Q You remember anything about young Sam Webber coming for the old man and the family in July 1866? A Well he might have come after them but they didn't come down here in July.
- Q You don't know when they did come? A Why I think they come some time in the latter part of the winter, but I say I would not be certain what month it was, in February or March.
- Q You want be certain it was either of them? A I say they left, I was there and saw them start.
- Q You would be certain it was either February or March? A I think they did.
- Q You think so? A Yes sir.
- BY MR. HASTINGS:
- Q I was going to ask you if you knew about young Sam Webber marrying? A They said he married; I didn't see it down.
- Q Did you hear of his marrying up there? A Yes sir.
- Q Was that before or after he left? A It was before they left.

JANE SPEARS, being sworn and examined by Commissioner Breckinridge, testified as follows:

- Q Give me your full name? A Jane Spears.
- Q How old are you? A I am 46 years old.
- Q What is your post office? A Mound City.
- Q In the State of Kansas? A Yes sir, Mound City, Kansas.
- BY MR. HASTINGS:
- Q Mrs. Spears, was Mrs. Hicks who left the stand your mother?
- A Yes sir.
- Q How long have you lived in and about Mound City, Kansas, I mean in the neighborhood? A Well I came there when I was about a year old.
- Q And you have lived there ever since? A Yes sir, well since I have been married I have just moved one mile north.
- Q You moved a mile north of your mother's? A Yes sir.
- Q Do you know Douglass Walker? A Yes sir.
- Q Do you know Henry C. Short? A Yes sir.
- Q Do you remember at an early date just before the war some colored people that lived up there; one of them by the name of Sam Webber?
- A Yes sir.
- Q Do you remember his son Sam? A Yes sir, I know him.
- Q Were you living with your mother at that time? A Yes sir.
- Q Did you know Joe, that was living with them, Joe Ross? A Yes sir.
- Q Have you seen any of these parties since you have been here this time? A I met them to-day.
- Q Talked with them some? A Well I just spoke to Joe; Sam I did not know that he did; I suppose he heard we were here.
- Q I will ask you if this is your mother's family Bible? A Yes sir.
- Q That is the family record of the births and deaths? A Yes sir.
- Q I will ask you if you had a brother by the name of Franklin Hicks?
- A Yes sir.
- Q Do you remember the date of his death? A Yes sir, October 23, 1866.
- Q I will ask you if you know where the Webber family was living at the time he died? A Yes sir, they were living there.
- Q About how far from your mother's? A About 175 steps I suppose, in a cabin.
- Q Short distance? A Yes sir.
- Q Did you know Aaron Webber, a little short legged tuck legged fellow? A Yes sir.
- Q I would like to know from you Mrs. Spears your best recollection as to the time old man Sam Webber left that country permanently with his family? A
- BY MR. SMITH: The counsel for the applicant objects to that question, because it is incompetent and calls for the opinion of the witness.
- COMMISSIONER: The Counsel for the applicant has put a number of questions in the same form and asked as to their best recollection what exists; it is entirely competent to give the best recollection and belief in regard to the facts.
- Q My best recollection is that it was in the spring of '67, either February or March.
- Q Did you know whether or not young Sam Webber married up there?
- A Yes sir.
- Q Did you know whether that was before or after they left there?
- A That was before they left there.
- BY MR. SMITH:
- Q Mrs. Spears, did you know of Sam Webber, Sr., leaving that country and coming to the Cherokee Nation, or leaving that country for the Cherokee Nation before the time you mention? A He came in the fall I think, or summer sometime and got a claim I think.

- Q Fall of what year? A '60, and then came back.
- Q Now do you remember young Sam Webber's coming back with reference to the time Sam Webber Sr. came, who came first when they returned from this trip looking for claims you speak of? A They came together.
- Q You are sure of that? A Yes sir.
- Q Where was Aaron Webber, did he come back with them? A I don't remember very much about him.
- Q You don't remember whether he did or not? A No, I won't be positive whether he came with them or not, when they came after their claims.
- Q Do you know when the older Sam Webber made the first trip to the Cherokee Nation after the war? A Well it was in the fall of '66 I guess, about that time, either summer or fall.
- Q Either summer or fall? A Yes sir, sometime along in the summer or fall.
- Q Might not it have been the late spring? A No, it was not, because he made his crop there and then came afterwards.
- Q Made a crop in '60? A '66.
- Q What did he do with that crop? A I suppose he put it up here, disposed of it.
- Q Do you know whether he sold it or not? A No, I don't know whether he sold it or not, I think they fed it to their stock before they left.
- Q Where was Sam Webber Jr. in December 1865? A I don't know where he was at.
- Q Where was he in January and February of '66? A January or February of '66, I can't say.
- Q Where was he in July of '66? A I don't know where.
- Q Do you have any recollection of Sam Webber Jr. coming there after his father in July '66? A No sir.
- Q Do you have any recollection of Sam Webber coming there at any time with any hides, deer hides or any kind of hides? A No sir.
- Q Where was old Sam Webber living in the year of 1865? A He was living there close to my mother's farm I speak of.
- Q In 175 steps of you? A Yes sir.
- Q And you don't remember of his coming there at any time off of a trip except the time he came back with his father? A He went to Fort Scott I guess, I never tried to keep any trace of his whereabouts.
- Q Now what makes you think it was February or March of '67 that these people left there? A Well I have all reasons to believe that circumstances about it; well the old darkey had a cane patch and the darkey boys trapped on the land that winter.
- Q These darkey boys? A The Webber boys.
- Q Did what? A Trapped for game that winter on the patch of cane where we had left the seed on the corn.
- Q That the winter that commenced in December and ends in February, December, '66 and February of '67? A It was all in the winter of course.
- Q Well the winter is pretty well over by the last day of January isn't it? A Not always it isn't.
- Q Well the bigger part of it; two months is gone isn't it? A No sir, not in our country.
- Q How many months do you have in the winter there? A Some winters we have pretty hard and some winters we don't have so much.
- Q So that as a matter of fact the fact that they trapped there on your place during the winter would not of itself lead you to believe that they didn't leave there until February or March? A Well it was along toward spring they left; that is the best of my knowledge.
- Q Now in what way do you fix the date, you speak of your people then is that the way you fix the date, by that? A No sir, I fix it by memory, of course that is the way by the people, of this child's death; they were there then; that is, the family were, I don't re-

member so much about the man; there was an old lady that moved down here with the men that sat up with my brother in his sickness.

Q Do you remember Sam Webber bringing you any sassafras and spice switch up there? A Yes sir.

Q When was that? A That was the first time they came down.

Q When was it? A That was in '66.

Q What month? A I don't know.

Q Can you state within two months of the time? A No I don't know as I could.

Q Can you remember that as well as you could the other time? A (No response).

Q You know that they were gone from there before the spring of '67, and it must have been in '66 they brought the sassafras? A Yes sir.

Q What was it, sassafras roots? A Yes sir.

Q That must have been in the spring? A I don't know.

Q Well they don't make sassafras in the fall? A We used it for tea.

Q It was not in the spring at all Sam Webber brought the sassafras?

A No sir, it was not; he didn't bring it at all; the old gentleman brought it.

Q Well now as a matter of fact do you remember any one of these people being there at the time your brother was sick and died except the old woman Rhoda? A Well this family was there on the place; I don't remember them being there.

Q Well if they were you tell me who you saw except Rhoda the old woman? A Well I don't know as I remember. There was Johnson's wife, of course I don't just remember who was there, I was just a child then; there was a great many of the neighbors in, but I remember the old lady, sitting up with my brother at the time he was sick.

Q Now isn't it a fact that the old lady Rhoda is the only one you remember being there at the time? A No sir.

Q Now who else was there? A Chloa was there.

Q Well now name some other one, all you know that was there? A I don't know, I don't remember them, there was hardly any day but what they was there, some of them.

Q Tell now what I want to know, who was there except this woman, Rhoda? A I don't know anything about that.

Q You don't know? A No sir.

Q How many trips did the Webbers make down here to this country, do you know? A They came once and got claims and came back and went again.

Q All you know of? A Yes sir.

Q If they made others you don't know of? A No sir, I don't know anything about any more trips they made.

Q Now when was this entry in this Bible, the date of your brother's death, made, was that made at the time? A Just when he died?

Q Yes? A I don't know as it was, I suppose about the time.

Q Well about when, do you know who wrote that? A I know who wrote that?

Q That is what I am talking about. A This was drawn off from another Bible.

Q You don't think that this entry, "Missie Bell Lewis, born September 1st, 1866" is in the same handwriting that this is do you?

A No sir.

Q You don't know that this is in the same handwriting? A No sir, it is not.

Q Now who wrote that date, October 23, 1866? A Park Nichols.

Q Well now can you tell me how nearly at the time of your brother's death that entry was made? A No sir, I could not.

BY MR. HASTINGS:

Q How long has this Bible been in your mother's possession? A I can't tell.

Q Has this entry been in here a long time to your knowledge? A Yes sir, it has been several years.

Q It was in there long before any investigation came up wasn't it?

A Yes sir.

BY MR. SMITH:

Q Didn't Sam Webber and his father come down here in '65? A If they did I never missed them from home.

Q If they came here you didn't miss them? A No sir.

MARY A HICKS, re-called for additional cross examination.

BY MR. SMITH:

Q Mrs. Hicks, when was the entry upon this Bible you have with regard to the date of the death of your child made with reference to his death? A Well I don't just remember when it was; it was not long.

Q Was it put there at or about the time he died? A Why it was not long after he died.

Q Well give us your best judgment as to how long? A Well he died that fall and I don't know just how long it was.

Q Well was it as much as a month? A I won't say sir.

Q You can give some idea? A Well I tell you now, I won't say anything when I don't know anything.

Q I thought probably you might know better than I do, as I know nothing about it? A If I know when I set it down I would recollect it; I have had a good deal of trouble about it.

Q I don't want to cause you any trouble about it, but I would like to know, it is some importance in this case? A There was a young man working for us that set it down.

Q What was his name? A His name was Nichols.

Q Do you remember how long after your child died before Nichols went to work for you? A No sir.

Q Well when it was set down what was it set down from, your recollection? A Why I had a husband then and all of us recollected it, who wouldn't recollect it?

Q I am asking you how long it was before this entry was made, if you can tell me? A I don't know when.

Q Do you think it was as much as two years? A No sir.

Q It was not? A No sir, if I should guess at anything about it I should think it was along in the summer sometime, I should think now; afterwards this young man was breaking prairie and, of course he broke it in the winter.

Q Was this the first place it was made where it was made here in this Bible? A Yes sir.

MR. SMITH: If the Court please, I want to show by the title page of the Bible that it was not published until in 1869.

COMMISSION: The title page has been examined and it shows that the edition of the Bible in evidence was published in Philadelphia in the year 1869.

BY MR. HASTINGS:

Q Do you remember, independent of the Bible, of the dates of your son's death? A Yes sir.

Q You didn't attempt to give distinctly when that entry was made in your Bible? A No sir.

Q You so stated? A Yes sir.

BY MR. SMITH: I object to that; it is leading.

BY MR. HASTINGS:

The Representatives of the Cherokee Nation ask that the testimony of Sam Webber, recalled, in the case of Jefferson Ross and others, Freedman D-872, be made a part of the record in this case.

COMMISSION: It is ordered that the testimony just taken be filed as supplemental testimony in Cherokee Freedmen Doubtful case 496, the same being the case of Chloa Grayson, and it will likewise be filed in Cherokee Freedmen Doubtful case 216, the case of Aaron Webber, and in Cherokee Freedmen doubtful case 350, the same being the case of Joe Ross.

It is further ordered that a set of all the testimony

Joe Ross (sup'l) 15

given by said father in Cherokee Freedman Deedbook case 372, the same being the case of Jefferson Ross, as filed in case Cherokee Freedman D-300, of Joe Ross, and in Cherokee Freedman D-496, of Clara Grayson, and in Cherokee Freedman D-216, of Aaron Vetter.

M. B. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in this case, as dictated to him from the stenographic notes of JOHN O. Rossen, by said Rossen; and that the foregoing is a true and complete transcript of his stenographic notes thereof.

M. B. Green.

Subscribed and sworn to before me this November 16th, 1901.

J. O. Starr,

Notary Public.

SEAL

File with Cherokee Freedman D-

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T., May 22d 1902.

In the matter of the application of Elizabeth Meigs for enrollment as a Cherokee Freedman; she being sworn by Commissioner C. R. Breckinridge, testified as follows:

- Q What is your name? A Elizabeth Meigs.
Q How old are you? A I don't know my age.
Q About how old are you? A I was four years old when we came here with the old settlers.
Q Was that when the Cherokees first moved to this country from the old nation? A Yes sir.
Q That would make you about 71 years old now wouldn't it? A Yes sir I guess so.
Q What is your post office? A Centralia.
Q In what district do you live? A Cooweescoowee.
Q Do you want to be enrolled as a Cherokee Freedman? A Yes sir, I do.
Q Who do you want to have enrolled besides yourself? A My children.
Q Have you any children under twenty-one years old? A No sir.
Q They will have to apply for themselves then. A (No response).
Q Have you a husband? A No sir he is dead.
Q Then you only apply for yourself? A Yes sir.
Q Have you lived here ever since you came with the Cherokees in 1837? A Yes sir.
Q How long have you been called Meigs? A Ever since I was nothing but a girl.
Q Were you married to a man named Meigs? A Peter Meigs.
Q Is he dead? A Yes sir, five years ago in September.
Q Was he a Cherokee Freedman? A Yes sir.
Q Were you a slave in the Cherokee Nation before the war? A Yes sir.
Q To whom did you belong? A Reuben Daniel.

The 1890 authenticated roll of the Cherokee Nation examined and the applicant's name not found thereon.

- Q Are any of your family on that roll that you know of? A Yes sir, Alice Sanders is on it, she is a daughter of mine, Alice is.

The 1890 authenticated roll of the Cherokee Nation examined and the name of the applicant's daughter identified thereon as follows:

Page 175, No. 2658, Alice Sanders, Cooweescoowee district.

The 1896 census roll of the Cherokee Nation examined and the name of the applicant not found thereon.

- Q Did you draw your Cherokee strip money? A Yes sir.

The Karna-Glifton roll of the Cherokee Nation examined and the name of the applicant found thereon as follows:

Page 100 No. 2312, Eliza Meigs, Cooweescoowee district.

- Q Did you ever go by the name of Daniel? A Yes sir then was my name.

The Wallace roll of the Cherokee Nation examined and the name of the applicant found thereon as follows:
Page 182, No., 40, Elizabeth Daniel.

NOTE: Wife of Peter Meigs.

Wallace roll of the Cherokee Nation examined and the name of the applicant found thereon again as follows:
Page 131, No., 2748, Elizabeth Meigs, Cooweescoowee district.

- Q Where were you during the Civil war, did they take you out of the Cherokee Nation? A I was at Fort Scott during the war.
- Q When did you come back? A In the winter of '66.
- Q What time in the winter? A Well it was in the winter.
- Q Was it before Christmas, or after Christmas? A My husband was down here in the Christmas.
- Q When did he bring you down? A In the winter after he went from here on Big Creek.
- Q He came ahead of you then? A Yes sir.
- Q What time did he leave Kansas? A I cannot tell you when he first came.
- Q Did he leave Kansas before Christmas? A Yes sir he came here in the winter of '66.
- Q Did he leave Kansas in the winter? A Yes sir.
- Q Was he down here when Christmas came? A Yes sir.
- Q Do you know how long it was before Christmas before he started to come here first? A No sir I dont.
- Q How long was it after Christmas before he got back to you in Kansas? A Directly after Christmas.
- Q How long after Christmas before you and he started down here together? A Directly after.
- Q He spent Christmas that year in the Cherokee Nation by himself? A Yes sir my husband did.
- Q What members of your family came down with you and your husband? A These children.
- Q Did you bring your child Alice Sanders with you? A Yes sir.
- Q All the children? A Yes sir.
- Q Can you explain why you are not on the roll of 1880? A No sir.
- Q Do you know why you are not on that roll? A No sir I dont know nothing about the rolls.

By W. W. Hastings, Cherokee Representative:

- Q Auntie, what provisions did your husband make after he had been to the Cherokee Nation, to come down here with his family? Did he sell off what you had in Kansas? A Yes sir what little we had, we never had much to sell.
- Q Where were you living in Kansas then? A Fort Scott.
- Q About how long did it take him to get ready to come to the Cherokee Nation after he went back up there? A No time after he got back till we all come here.
- Q Was it as much as a couple or three weeks? A Yes sir I guess so.
- Q And then you started down here? A Yes sir.
- Q Was it in the spring of the year when you reached here? A No sir in the winter.
- Q The leaves were not budding out then on the trees when you and your husband and children got here? A No sir there warent no buds nor nothing on the trees, it was winter I tells you.
- Q You all came in wagons did you? A Yes sir.
- Q Who came with your husband down here when he first came? A Old man Mike Sanders.
- Q Who else? A Raulen Sanders.
- Q Who else? A Daniel Sanders.

Q Any one else that you remember? A There was little Sam Webber and old man Sam Webber.

Q Any other Webber's? A Aaron Webber.

Q Did any one else come down? A I dont remember any one else now.

Q Were you there when they started down? A We all come together I am a telling you.

Q But I mean when your husband come on in advance of you. Who come with him then? Did these parties that you have named come with your husband when he first come down? A Yes sir.

Q You were at Fort Scott then? A Yes sir.

Q And they all started together? A Yes sir.

Q These that you have named are all the you can think of at the present time? A Yes sir.

Q Did they come in wagons or on horse-back that time? A They come in wagons when they first come.

Q And after Christmas you all came down did you? A Yes sir.

Q Did you come in wagons then? A Yes sir.

Q Did you come by a little place called Chetopa? A Yes sir.

Q Where did you come to in the Cherokee Nation? A I come right where I am living yet when I come to the Cherokee Nation.

Q And you are living there yet? A Yes sir, that old house was built in '66.

Q What house? A That one we is living in.

Q And you are living at the same old place? A Yes sir, in the same old house.

Q On what creek is that? A Big Creek.

Q Was any one living on Big Creek when you came there besides your own crowd? A No sir, down on Verdigris there was some living.

Q You were the advance family or crowd that came to Big Creek were you? A Yes sir, we was the advance guard.

Q Did you see any one from Chetopa along the road through the Nation to Big Creek when you came there? A No sir.

Q Did these people the first come down with you husband return with him and then come down again when your family all came after Christmas? A Yes sir.

Q You all came back together? A Yes sir.

Q Now Auntie, did any additional people--any other families come down with you? A I dont know who all come down. I am just a telling you what I know.

Q There was Daniel Sanders, and Reuben Sanders and there was Mike Sanders, and Sam Webber, old and little Sam, they all came with you? A Yes sir.

Q Did Aaron Webber come? A Yes sir.

Q And your family? A Yes sir.

Q Are there any that I missed? A That is all that I gave you.

Q Is that all that come? A Aaron Wright come with us.

Q Who else? A (No response).

Q Were there any others at all? A I am a telling you all that I can think of now, it has been a long time for an old woman like me to remember all that come.

Q You come to the place that you are living at now did you? A Yes sir and has lived there ever since.

Q Have you any Cherokee neighbors there now that were old residents? A No sir, there was some lived on Verdigris when we come there.

Q Who? A Lurie Riley was there on Verdigris, but not where we was living.

Q How far from where you settled? A I dont know how far.

Q Was it as much as 4 or 5 miles? A As much as ten miles if you guess at it right.

Q Were they the closest residents to you at that time? A Yes sir.

Q Were there any Delaware Indians there when you come there? A No sir I never saw none.

Q Any Usages? A No sir, never saw none.
 Q You didn't see any body on Big Brack, neither white or black, except those that came with you? A That is all.
 Q And you have been there ever since? A Yes sir, ever since we moved there.
 Q You say your husband Peter Meigs built a house there? A There a log house there and he bought the house and we moved to it.
 Q Who built the house if you know? A Henry Harold.
 Q Was he a colored man? A Yes sir.
 Q Is he living? A I don't know if he is or not.
 Q Some 3 or 4 years after you came down here your husband went to Tahlequah before the court, didn't he, to see about his citizenship? A Yes sir.
 Q They didn't admit him then did they? A I don't know sir.
 Q You know he was disputed? A I don't know nothing about it, I never paid any attention to any such things as them then.

By the Commission:

Q Were you ever admitted by the Cherokee or United States court for Commission? A I don't understand what you say.
 Q Did you ever have your right to be enrolled as a Cherokee citizen before any kind of a court? A Yes sir my man enrolled us before he died.
 Q I mean in court? A That is what I am a telling you.
 Q You know what a court is don't you? A Yes sir.
 Q What court do you know? A Evans Clifton court.
 Q Any other court that you know of? A I know of the Wallace court.
 Q Any other? A No sir.
 Q Did he ever have anything done about his case by the Cherokee Council? A I don't know what was done, my man went there every year or two but I don't know what was done there.
 Q How long did it take you and these people to come from Kansas to the Cherokee Nation? A I don't know how long we were on the road.
 Q Have you any witnesses with you that you want to introduce?
 A Yes sir.

RUBEN SANDERS, called and sworn by Commissioner C. R. Breckinridge, testified as follows on the part of the applicant.
 (Examined by the commission).

Q What is your name? A Ruben Sanders.
 Q How old are you? A I suppose I am about 50.
 Q What is your past office? A Centralist.
 Q How long have you lived in the Cherokee Nation? A All my life.
 Q Were you a slave in the Cherokee Nation when the Civil war broke out? A Yes sir.
 Q Who did you belong to? A James Sanders.
 Q Were you taken to Kansas during the war? A Yes sir.
 Q You have a wife named Allie have you? A Yes sir.
 Q How long have you and she been married? A About 30 years perhaps more.

The 1880 authenticated roll of the Cherokee Nation examined and the name of the applicant's son-in-law identified thereon as follows:

Page 175, No. 2557, Reuben Sanders, Coowascoowas district.

Q Did you ever have to carry the question of your citizenship before any court? A Yes sir.
 Q What court? A The Chambers court.
 Q Is that the only one? A Yes sir that is the only one; I was admitted by the Chambers Court.

Q Where was it sitting? A At Tahlequah.
 Q In what year was that? A I cannot tell what year it was
 Q Your citizenship had been disputed had it? A Yes sir.
 Q When was your right to citizenship first disputed? A It was during the time that Thompson Oconelita was chief.
 Q Was that before the 1880 roll was made? A Yes sir.
 Q Did the court decide in your favor? A Yes sir.
 Q Was there any dispute made then about your being put on the 1880 roll? A No sir.
 Q Were you required to show a copy of the decision of the court in your favor when you went to enroll in 1880? A No sir.
 Q Did they ask you any questions when you went to be enrolled in 1880? A No sir.
 Q Where did they take your name? A I was in Goose-neck Bend, at the time.
 Q Do you know the applicant Elizabeth Meigs? A Yes sir.
 Q Your wife is her daughter? A Yes sir.

By W. W. Hastings:

Q Peter Meigs' citizenship was disputed the same time yours was? A Yes sir.
 Q Did he go before the court at the same time? A No sir, I think not.
 Q His wife's citizenship was also disputed? A I judge so.
 Q Did she go down before that court? A Not to my knowledge.
 Q Did he go down to Tahlequah to the court before that time? A Yes sir I think he went down to the Bob Daniels court, think he went with my father.
 Q Was Bob Daniels Chief Justice of that court? A Yes sir.
 Q Just a few years after the war? A Yes sir.
 Q In '71 wasn't it? A Yes sir.
 Q Was any action taken in that court? A I don't know.
 Q You were not there yourself? A No sir.
 Q You were about 13 or 14 years old when you came back? A Yes sir I guess so, I don't exactly know how old I was.
 Q You were not married then? A No sir.
 Q How long long after you got back before you married?
 A Not very long after I got back.
 Q Did you marry on your way down here? A No sir.
 Q How long had you been here before you married? A I have been married twice.
 Q How long had you been here before you married the first time? A.
 A Not very long.
 Q As much as a year? A May be so.
 Q Is that your best judgment? A My best judgment is perhaps that it was that long.
 Q When were you married to your present wife? A Upwards of 30 years, or so.
 Q How long did you live with your first wife? A Not very long, she died.
 Q A year? A Perhaps it was, maybe a little longer.
 Q Then you married your present wife? A Yes sir.
 Q When you came to the Cherokee Nation how did you come the first time? A In wagons.
 Q The first time? A Yes sir.
 Q Who came with you? A Several were on horse-back; it is beyond my knowledge how many there were.
 Q Tell all you can remember? A We made a trip in August and one in October and then we moved here in the winter.
 Q Did you come in August? A Yes sir.
 Q Who came with you then? A Some of this family, Peter Meigs and got his place; the heads of those families.

Q Who else came with you? A My brother Dan and the Whitmires.
Q Which ones? A Several.
Q Which ones? A Mose and Dennis, and the Webbers.
Q Name them? A Old man Sam and younger Sam and little Aaron, and a man named Abe Thurman, and Abe Hair, and I dont know who else, I dont know who all come.
Q Who come when you come in October? A I dont know who all come then, some of that same crowd and some more come in October.
Q Do you remember any additional persons? A To the best of my knowledge the Smith family.
Q What was his first name? A Old man Caesar Smith.
Q You come in both of the detachments yourself? A No sir.
Q Which one did you come in? A I come in August.
Q You didn't come in October then? A Yes sir, I come when we first come; we brought some of our farming utensils when we come in August and left the on the creek.
Q On Big Creek? A Yes sir.
Q Where Mrs. Heigs lives? A Yes sir.
Q And you returned in October, how long did you stay in October.
Q We all didn't return in October, we didn't all go back, some staid in August, some staid and some came back; some of us brought our things with us and some came to look out homes, we all come with the intention of making our homes here.
Q When did you afterwards move here the last time? A In the winter of '66 is when we come down here the last time.
Q What time in the winter? A Long in January.
Q You mean in '67.
Q No in the winter of '66.
Q If you came here in the August and October of '66 and then returned for your families and came back here in the following winter, in the following January or February, that would be in '67? A I dont understand you; we came here in the winter of '66 is what I said, in January after we had first been here in August and October, we came right to where Mrs. Heigs is living now.

By the Commission:

Q You say you first came here in August of '66? A Yes sir.
Q That was your first coming was it? A Yes sir.

By Hastings:

Q When you moved here permanently, tell all that you possible can remember of who came with you in the January or February following?
A This family is one, her, the Heigs family, Peter Heigs, Elisabeth Heigs, Mary Heigs, George Heigs, Simon Heigs, Harriett Heigs, Perry Heigs, that is all that I can remember of that family.
Q I dont mean only of that family, there were other families were there not? A Old man Billie Ferman.
Q Who else? A He had several children.
Q The heads of families I meant? A Fannie Sanders; I dont recollect them all; I dont know as I can call the names of all of them.
Q Were any of the Webbers along? A Yes sir.
Q Old man Sam and young Sam? A Yes sir; I wouldx not pretend to call them all over as I had forgotten them Webbers and so I cant remember for if I has forgotten them I dont think I can remember any of the others.

By the Commission:

Q Did old man Sam Webber come? A Yes sir.
Q Did his son Sam come? A Yes sir.

Q Dont you remember any one else? A Rachel Webber.
 Q Do you think of any one else? A No sir.
 Q You know that it was a mooted question before the Kansas Clifton Commission as to who came at this time and as to when you came? A. I havent been interested as to anyone except for myself.
 Q You know that there is a question about who came dont you? A Yes sir I guess I do.
 Q You say you came to Big Creek? A Yes sir.
 Q Did you come by the way of Chetopa? A Yes sir I guess that we did, I dont know that they called it Chetopa then, there was a house or so there.
 Q Did you cross the river there? A What river?
 Q Neosho? A No sir.
 Q You didn't cross at the Gilstrap ferry? A No sir we crossed 20 or 30 miles from there.
 Q You came through what is Chetopa and came on west through the prairie? A We may have.
 Q You were in Wagons? A Yes sir.
 Q Were there any persons living on any of that country from Chetopa west, out to Big Creek except your own people who had come in August or October before that? A I have no knowledge of any one living there before that.
 Q Were there any Houses there except those that your crew built? A I dont know of any Houses, but there were foundations for them on Big Creek.
 Q Then the houses were not built before you moved there with your families? A Yes sir some were, there were logs on some up 8 or 10 logs high.
 Q Then there were none really completed until you moved there with your families? A No sir.
 Q Did you make a crop there the first year that you moved there? A Yes sir as near as we could with one horse plow and hoe.
 Q Do you know Jim Martin? A Yes sir.
 Q How far does he live from you now? A 4, 5 or 6 miles.
 Q Was he living there when you people moved there? A No sir.
 Q He had a brother names William Martin? A Yes sir.
 Q Was he living out there then? A No sir.
 Q There was an old man by the name of Carter living out there then, wasn't there? A No sir; there was an old man named Carter living 20 miles perhaps from there quite a while after we came there.
 Q Was his name Dick Carter? A I think it was.
 Q You say he lived some 20 miles from there? A Yes sir 20 miles below, on the Verdigris river. He came some time after.
 Q Do you know if that ferry that you crossed the Neosho river was called Gilstrap ferry? A No sir we never crossed on Gilstrap ferry.
 Q There were no farms made there when you passed through--no citizens had farms up there? A No sir none that I saw.

By the Commission:

Q You stated, I believe, that the first time that you came to the Cherokee Nation after the Civil war closed was in August of '66?
 A Yes sir.
 Q For what purpose did you come back then? A To make it our home; the proclamation had told us to come home, that it was open for us to come.
 Q You didn't bring your families with you then? A Only part of them and some things that we had.
 Q Part came with their families and part came to prepare for their families? A Yes sir.

Q What men were with you on that first trip? A This family, the Meigs family, not all of this man's boys, but the old man Meigs, Peter Meigs.

Q You didn't bring your family with you at that time did you? A No sir.

Q Did Peter Meigs bring any of his family then? A No sir.

Q Did you go back to Kansas after that? A Yes sir.

Q When did you bring your family? A Our family came in October.

Q When did Peter Meigs go back to Kansas? A I think with my father

Q You came yourself in August? A Yes sir with my father.

Q You went back to Kansas after that? A Yes sir my father went there and I went with him.

Q When did Peter Meigs go back? A He went with the crowd.

Q Did he go with you and your father? A Yes sir.

Q Then you returned to the Cherokee Nation again in October? A Yes sir.

Q Did your father come with you? A Yes sir.

Q Did all the members of your own family come with you? A No sir, not all of them come in October.

Q Where was Peter Meigs in October? A He come with us at each trip

Q Did he go back to Kansas with you? A Yes sir.

Q And then you came back here to the Cherokee Nation in October? A Yes sir.

Q Did Peter Meigs come back with you to the Cherokee Nation in October? A Yes sir.

Q That made the second time that Peter Meigs had been here? A. Yes sir.

Q Where was Peter Meigs in Christmas of '66, do you know? A No sir I dont exactly know where he was in Christmas of '66.

Q When Peter Meigs got back to the Cherokee Nation with his family did he settle in the Cherokee Nation near your family? A Yes sir.

Q How far apart? A Two or three hundred yards apart.

Q Did he then go back to Kansas for his family after he made that October trip with you? A No sir he went back after something to eat.

Q You stated that he brought his family the last time in February, when did he go back after his family? A The third time he brought his family

Q You staid here then? A Yes sir.

Q When did you come? A In the winter.

Q Was it in February? A Must have been in December.

Q What about that February trip you spoke of? A It was in the winter some time. Snow on the ground.

Q Did your father come at that trip? A Yes sir.

Q Your mother? A Yes sir.

Q Peter Meigs? A Yes sir.

Q His wife? A Yes sir.

Q That was your third trip? A Yes sir.

Q Was that your last trip? A Yes sir.

Q When did your wife Alice come? A Come then.

Q On that third trip? A Yes sir.

Q You say Peter made all three trips with you? A Yes sir.

Q Every time you came he came? A Yes sir.

Q Every time you went back to Kansas he went back? A Yes sir, that is to the best of my knowledge.

Q Did he go there by himself? A No sir.

Q Do you remember distinctly that you came here in August the first time? A Yes sir.

Q Do you remember distinctly that Peter came with you in August and October? A Yes sir.

Q Do you remember distinctly that he come with his family when you made your third and last trip? A Yes sir.

Q With his family? A Yes sir.

By Com'r Breckinridge,-

The applicant states that she was a slave in the Cherokee Nation from the time the Cherokees moved to the Indian Territory in 1837 until she was liberated by the Civil war. She is identified on the Kerns-Clifton roll and on the Wallace roll, but not on the 1880 roll or upon the roll of 1896. The testimony indicated that her husband first returned to the Cherokee Nation after the war, coming from Kansas in August of 1866, that he came at that time to prepare for the bringing of his family back to the Cherokee Nation. He is now deceased, but he and the applicant were married at that time and had several children. The testimony further indicated that the applicant's husband made a trip back to Kansas in October, but not with a view of relinquishing his purpose to bring his family to the Cherokee Nation, but apparently to get provisions. It further appears that he returned to the Cherokee Nation with his wife and children in the following month of February. There is some conflict of testimony in regard to this matter, but so far that is the weight of the testimony. It also appears that proceedings may have been had by some Cherokee Court, either a citizenship court or the Cherokee Supreme Court, prior to the date of the Chambers Court, affecting the citizenship of this applicant and her husband and all those who may claim through them. It will be necessary to make further inquiry upon this point, and if possible to get an official copy of the record. Under these conditions, the applicant will now be listed for enrollment on a doubtful card and the final decision of the Commission will be made known to her at her post office address.

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Chas. von Weise, being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes therein,

Chas. von Weise.

Subscribed and sworn to before me this the 29th of May, 1901 at
Chelsea, I. T.

T. B. Needles,

Commissioner.

SUPPLEMENTAL:

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, T. T., May 22, 1901.

In the matter of the application of Elizabeth Meigs for enrollment as a Cherokee Freedman;
REUBEN SANDERS, having been before sworn by Commissioner Breckinridge, testified as follows:

Q Give your name? A Reuben Sanders.
Q How old are you? A I am only about 50, past.
Q You gave testimony just now in the case of Elizabeth Meigs?
A Yes sir.
Q And you want to correct a statement you made there? A Yes sir, I wish to make the statement that it was in January, 1867 when we made the last move, about the first of the month; it was the following August, in 1868, we had been here in August you know, in '66 and in October, and we made the last move in '67, January, and I put it down February I think; I wanted to say January.
Q How do you find out now it was January instead of February?
A It was just after Christmas that we was on the road coming down.
Q How long after Christmas? A Perhaps a week after Christmas; my reason for saying this is this, along Christmas a few days before Christmas there was a man got killed named Hayford, and there was a gentleman killed him a colored man killed that man Hayford, a man by the name of Mackey, and we started then right shortly after that killing was, and the parties followed us, thinking he was with us, in our crowd, that was just the following a few days after Christmas, a week, or after Christmas.

Examined by Cherokee Representative, W. E. Hastings.

Q How old are you? A Well I just don't know my age exactly, I suppose that I am about 50 years old; something in that line.
Q Where did you say that killing took place? A In Kansas.
Q Fort Scott? A Yes sir.
Q And the man that was accused of the killing was named what? A Named Mackey.
Q You remember his first name? A No.
Q You remember the man who was killed, you got his first name? A No sir I don't.
Q Did you ever learn afterwards whether or not that man was caught, do you know? A It seems to me like I learned afterwards that the man was caught, No I don't know nothing about that part of it.
Q You know what county Ft. Scott is in? A No sir.
Q Who called your attention to this sexual error? A I thought so myself; I called my own attention to it, I was studying over it, I did.
Q You know now it was only a few days after Christmas? A Yes sir, a few days after Christmas.

Com'r Breckinridge: This statement will be filed as supplemental in the Elizabeth Meigs case, to be considered in connection with the former statement of the witness, and the other evidence relating to the date in question.

M. D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

M. D. Green.

Subscribed and sworn to before me this May 23, 1901.

C. R. Breckinridge,

Commissioner.

File with Cherokee Freedman D-391, Elizabeth Meigs

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T., October 15, 1901.

In the matter of the application of Elizabeth Meigs et al. for enrollment as Cherokee Freedmen.

Testimony introduced on behalf of the Cherokee Nation.

Appearances:

L. T. Brown, agent for the applicant;
J. S. Davenport, of counsel for Cherokee Nation.

L. T. Brown: I would like to have the record show that sometime next week the applicant intends to introduce as witnesses in this case, Aaron Wright, Reuben Sanders, Dan Sanders, and Sam Webber, for the purpose of showing that all the applicants in this case returned to the Cherokee Nation during the time prescribed by the Ninth Article of the Treaty of 1866.

Commissioner Needles: Hasn't that already been shown?

L. T. Brown: And that they have had a continuous residence in this country since that year.

Commissioner: Well, that is all right.

ROBERT MEIGS, being duly sworn by Commissioner Needles, testified as follows.

Mr. Davenport: What is your name? A. Robert Meigs.

Q Where do you live? A I live five miles southwest of Tahlequah.

Q What is your postoffice? A Park Hill is my postoffice.

Q How old are you? A I am 56 my next birthday.

Q How long have you lived in the Cherokee Nation? A I have lived here all my life except a little while time of the war, from '84 to '68.

Q Did your people own any slaves before the war? A Yes sir.

Q Do you know whether they owned a woman by the name of Elizabeth?

A No sir.

Q Do you know whether or not they owned her mother, or anybody of the family? A Elizabeth, no, sir.

Q Well, did you know Peter Meigs? A Yes sir.

Q Do you know what his wife's name was when the war broke out?

A Betsy they called her.

Q Well, was she living, Betsy, at the time the war broke out?

A Yes, sir.

Q Well, did you ever know her by any other name than Betsy?

A Bettie.

Q Where was Peter Meigs and his family at the breaking out of the war? A Well Peter was with us at home at the breaking out, but he and his wife was up there somewhere near the Dutch Hills on the Arkansas line.

Q Well I wish you would look at that woman there and see if she is the woman you knew as Betsy or Bettie or whatever you knew her by (indicating applicant)? A Yes, I think that is the one, I have never seen her but once.

Q That is since the war? A I just saw her once in my life and that was time of the war, after the war.

Q Did you ever see Peter Meigs and his family after the war? A Yes, sir, saw Uncle Peter.

Q What year was that? A Sometime after '71.

Q What were the circumstances as to your seeing him or meeting him?

Q Why he had to come down to Council to see about fixing up his rights, and he came down to visit my brother John, we were right together, and I went up there to see him.

Q Did you have a conversation with him or did he have a conversation with your brother John in your hearing where he and his wife were present in regard to his right or when he returned? A Yes sir.

Q Give that conversation as near as you can.

L. T. Brown: The applicant objects to this witness relating any conversation he might have had with Peter Meigs, for the reason that Peter Meigs is dead and cannot affirm or deny this statement.

Commissioner: The objection will be noted and the witness will answer.

Q Go ahead and state what the conversation was between you? A He was talking about returning, he said he came down here in the fall of '66 and started to make him a place somewhere on Big Creek and his family wasn't with him, and afterwards when he returned why it was too late when he brought his family.

Q Did you ever see any other members of his family excepting he and his wife at the time you speak of? A No, sir, just him and his wife is all, I wasn't acquainted with the children.

Q Do you know where he was living at that time? A He said he was living on Big Creek somewhere.

Q That was in what year? A This was after '71 sometime, I don't know just what time it was.

By L. T. Brown: Now what did you say that conversation was, Mr. Meigs? A Why he said that he had come down to make him a place somewhere up here on the Verdigris, or Big Creek, and he started to make him a cabin, and put up the wall, and then went back for the family.

Q He told you that he came down and started him a little cabin with the intention of making him a home in the fall of '66? A He said he came down and started to make him a home.

Q In the fall of '66? A Yes, in the fall of '66.

Mr. Davenport: Well, what did he do after he started that home, did he say, after he started that cabin? A Went back after his family.

Q And he stayed up there till when he came back down here it was too late, is that what he told you? A Yes, sir.

L. T. Brown: How long did he tell you he stayed up there in Kansas after he made the first trip? A He didn't state, I believe he gave but one date.

Commissioner: This testimony will be made part of the record in the case at bar, and also part of the record in D case 394, D-395, D-398, D-401, D-402, D-401, D-407, and D-775, and the sub-references.

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C. Jones.

Sworn to and subscribed before me this the 7th of November, 1901.

T. B. Needles,

Commissioner.

COMMISSIONER

REPORT OF THE COMMISSIONER TO THE SENATE AND HOUSE OF REPRESENTATIVES

THE COMMISSIONER

OF THE BUREAU OF INDIAN AFFAIRS
DEPARTMENT OF THE INTERIOR
WASHINGTON, D. C.

1901

REPORT OF THE COMMISSIONER TO THE SENATE AND HOUSE OF REPRESENTATIVES

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OF THE BUREAU OF INDIAN AFFAIRS
DEPARTMENT OF THE INTERIOR
WASHINGTON, D. C.

1901

Department of the Interior,
Commission to the Five Civilized Tribes,
Oklahoma, I. T., June 1st, 1901.

In the matter of the application of John F. Rose for the enrollment of himself, as Indian, and one child, Frederick; and two children, Edna and Frederick, as a family as intermarried; being sworn and examined by Commission for Oklahoma, as testified as follows:

Appearances:

By, calling of "Witnesses & Jurors, for applicant:
Mr. L. G. Bell, for Cherokee Nation.

- Q What is your name? A John F. Rose.
Q What is your age? A About 45.
Q What is your post-office? A Lawton, Indian Territory.
Q What district do you live in? A Chickasaw District.
Q You apply to be enrolled as a Cherokee Freedman? A No sir, as intermarried.
Q How do you start to enroll yourself? A 2 little boys, Robert and Fred.
Q How old is Robert? A About 15 years old.
Q What is the next child's name? A James Rose.
Q How old is James? A James is about 13.
Q Are you married? A No sir, I am a widower.
Q Your wife not living? A Yes sir, she is living; we was divorced.
Q What is her mother's name of these children? A She is married again.
Q What has she got these children? A I have got them in custody.
Examined by Attorney Bell.
Q What was your wife's name when you married her? A Emily, Hannah, Rose.
Q How was she married to you? A She was to me; she belonged to me.
Q Did she have any children when you were married? A No sir.
Q You don't go to know your personal knowledge who she belonged to? A No sir.
Q You were with her during the war? A No sir, I never got acquainted with her until after the war.
Q When did you get acquainted with her? A In the fall of '95, near the close of the war.
Q Where was she? A At Lawrence, Kansas.
Q In '95? A Yes sir.
Q How long did you stay in Lawrence after that? A I lived in Lawrence about a year, but no more, about three years, I think it was, when I left there.
Q Did she leave Lawrence? A She left Lawrence in the fall of '96, we must have after the war closed.
Q Did she have any children when she was joined? A She was coming to the Nation with her mother.
Q Where did you marry her? A I married her in Lawrence, Kansas, the first time I married her, and I married her the second time in the Indian Territory.
Q How did you marry her in the Territory, under what law? A Under the Cherokee law.
Q Have you got the certificate? A I have got a certified copy.

(Freedman papers.)
Attorney called to make a certified copy of a marriage of his marriage to his wife, issued by the clerk of Chickasaw District, Kansas paper to Cherokee Nation Bell, and exchange it.

Don't need it. The applicant presents a certified copy of his marriage certificate certifying that he was married according to the laws of the Cherokee Nation on the 28th day of September, 1896, marriage license issued in '72, 28th day of

John J. Rose et al 2

December, and married to Emily Senenberg, daughter of the couple, 85th of September 1882, to Emily Senenberg.

Examined by Attorney Smith:

- Q Have you ever been recognized as a citizen of the Cherokee Nation? A Yes sir, I have been recognized. The rights to vote.
- Q Have you voted in the Cherokee elections? A Yes sir.
- Q Have you ever had any permits issued to you? A I don't think I ever applied, yet I have, but I have no copies of them.
- Q You have had permits issued to you? A Yes sir.
- Q About when, do you remember? A About back in 1875 or 1876 ago. I never paid any attention to it.
- Q Did you ever have any permits in the Cherokee Nation? A Yes, yes sir.
- Q What kind? A Van Camp's Citizenship, Delaware citizen.
- Q In what court? A Civil court, at the then, held at Big Creek, Coconawapoc District.
- Cherokee Rep. vs Hall. I object to the introduction of this evidence, for the reason that it is not the best; the records could be obtainable, or shown such as to prove that they are not obtainable.

Gen'l: Well, go on
BY ATTORNEY SMITH:

- Q Well now, Mr. Rose, where do you live now? A I live five miles north of Memphis, Coconawapoc District, Cherokee Nation.
- Q Are there two children, Robert and James, living with you? A Yes sir, when I am at home they are.
- Q Are these children on any of the rolls? A Yes sir.
- Q Robert and James, what rolls? A They are both on the Harner and Clifton rolls, and I think one of them is on the Wallace roll.
- Q I do not question.
- Q You said to Robert? A Yes, Robert on 15.

Harner-Clifton roll of citizens of the Cherokee Nation examined 1st applicant a children and identified page 146, #3618 Robert Rose, Coconawapoc District page 146 #3621 Jm. Rose, Coconawapoc District.

1880 authenticated roll of citizens of the Cherokee Nation examined and applicant is not identified therein.

1895 census roll of citizens of the Cherokee Nation examined and applicants not identified therein.

Harner-Clifton roll of citizens of the Cherokee Nation examined and applicant's James wife identified as follows: page 146, #3618 Emily Rose, Coconawapoc District.

Examined by Cherokee Representative, C. D. Bell:

- Q You can't claim anything but a common-law right? A And the right to enroll those two children.
- Q When did you marry Emily Senenberg first? A First time I married her I think it was in 1887, along in June.
- WILLIAM TESTIMONY IN THIS CASE TAKEN BY STENOGRAPHER CHARLES W. W. B. S.

M. D. Green, being first duly sworn, states that as stenographer to the Commission on the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) M. D. Green, Stenographer.

(Signed) F. C. Needler, Commissioner.

June 1st, 1901, CONTINUATION of the above.

By Chas. von Weiss, Steno.
.....

Harry Still, being sworn by Com'r Needles, as a witness for the applicant, testified as follows:

- Q What is your name? A Harry Still.
- Q What is your post-office address? A Hayden.
- Q How long have you lived in the Cherokee Nation? A About 54 years.
- Q How old are you? A About 64 years old.
- Q Did you know Emma Rose or a woman who was the wife of John J. Rose? A Yes sir.
- Q What was her name before she married Rose? A Dannenberg.
- Q Was she a slave? A Yes sir.
- Q Who did she belong to? A Dick Dannenberg.
- Q Was he a Cherokee citizen? A Yes sir.
- Q Where was Emma Dannenberg when the war broke out? A She was living with her master then.
- Q Where? A In Flint.
- Q In the Cherokee Nation? A Yes sir.
- Q Do you know if she was taken out of the Cherokee Nation during the war? A Yes sir.
- Q Did she come back after the war? A Yes sir.
- Q When did she come back? A In the fall of '66 long about the last part.
- Q Who came back with her? A She came back with her mother, sister, brother, me, my mother, my sister, Reed Whitney.
- Q Where did you come to? A Come to Lightning Creek.
- Q How old was Emma at that time? A Her and Jane was both good sized girls-- young ladies.
- Q Who was their mother? A Tilda Dannenberg.
- Q Where did they locate when they came? A Stopped at a place now known as Hayden.
- Q And where is this woman Emma now? A She is living about 8 miles from Hayden in what is known as the Jim Martin settlement.
- Q Where does John Rose live? A Somewhere six miles from Lenapeh.
- Q How long has he lived there? A The first time that I saw these people I can't exactly fix the date, it was on California Creek over 20 years more than that must have been in 75 or 76.
- By Bell--
- Q Was this Tilda Dannenberg married? A No sir, she was a widow.
- Q Where did she settle? A Near what is Hayden now.
- Q How long did she live there? A 5 or 6 years.
- Q And kept these children with her? A Not all the time.
- Q How long did she have them? A 2 or 3 years when she first came there.
- Q I mean Emma Rose. I am speaking of John J. Rose's wife? A That is Emma-- she kept Jim with her all the time.
- Q I am speaking of John J. Rose's wife? A That is she I mean.
- Q When did you come back to this country? A That first time?
- Q Yes sir. A In '66.
- Q And then you came back again? A Yes sir.
- Q In '65? A Yes sir.
- Q Are you on the 1880 roll? A I am a citizen all right and was admitted at Vinita.
- Q Are you on the roll of 1900? A I said I was a citizen all right.
- Q Who came back besides your family? A Reed Whitney, Joe King, Andy Rider.
- Lewis Whitmire called and sworn as a witness for the applicant.
- By Mr. Smith.
- Q What is your name? A Lewis Whitmire.

Exhibit 1.

Q Where do you live? A Haden, I. T., on Lightning Creek.
Q How long have you lived in the Cherokee Nation? A Never lived out of the Cherokee Nation.

Q Do you know John Rose? A Yes sir.

Q How long have you known him? A I have known him about 25 years.

Q Do you know his wife Mary? A Yes sir.

Q And did she belong to before the war? A Yes, Mr. Dannenberg, and his family.

Q Were they Cherokee citizens? A Yes sir.

Q Where did they live? A I can't tell exactly if it was in Flint or Wingate, 2 or 3 miles from the line.

Q How big was she when she came back? A I don't recollect how big she was, a small girl when she was commenced.

Q She was out of the Cherokee Nation when the war was going on was she? A Yes sir, I guess so.

Q Where did you first see her after the war? A Her mother was at the old Harry Still place up on Lightning Creek.

Q When did you first see her with her mother? A Sometime in the winter of '56.

Q Did you know who she was with? A With her mother.

Q Did you come back to this country the same time Harry Still did or not? A No sir, I came down some summer though.

Q Do you know who brought this woman and these children to the Cherokee Nation? A No sir.

Q How long did you want her to see them up around there? A They were there 5 or 6 weeks, taken a cold there, it was cold weather, they got dissatisfied and gave it up.

Q Where did you next see them? A On Goosecreek Bend, I was up there to the Chief election up there and seen them.

Q Have you ever been to the Rose house at Lenape? A No sir.

By Sell.

Q How far from the Harry Still place do you live? A Just a short mile just like going from here or in town.

Q Was it in 1866 that you was over there and saw the people?

A Yes sir.

Q How long did Mr. Ross stay there with her mother? A I just saw them there a short time.

Q About how long? A 5 or 6 weeks.

Q Where did she go then? A I don't know where she went, the next I heard of them was that they had a place up near Lenape, I was next seen to their place there, but know where it is.

Q You know that they have lived up near Lenape though? A Yes sir.

John Landrum called and sworn as a witness for the applicant.

By Mr. Smith:

Q What is your name? A John Landrum.

Q Where do you live? A On Lightning Creek.

Q That is your post-office? A Hayden.

Q How long have you lived there? A 50 years.

Q How long have you lived in the Cherokee Nation? A I was birthed here and raised here.

Q Do you know Mary Rose who was the wife of John Rose? A Yes sir I am slightly acquainted with her.

Q Did you know her before the war? A Yes sir I saw her a time or two.

Q Was she a slave? A Yes sir.

Q Who did she belong to? A The Dannenbergs.

Q Where was she when the war came up? A In Flint District.

Q When did you first see her in the Cherokee Nation after the war?

A On Lightning Creek.

Q When? A Fall of '56.

Q Who was she with? A Her mother still.

Q Do you know how long they staid in that neighborhood? A I think they must have staid there 4 or 5 years as near as I can recollect.

(8)

Q How far is it from where you saw them to Lewis Whitmires? A 2 miles north east.

By Bell:

Q You say you knew Ma Rosa before the war? A Yes sir I saw her.

Q About what size was she when the war came up? A Small.

Q How 4 or 5 years old? A I don't know. I was small myself.

Q About what age was she? A Might have been 7 or 8 I don't know.

Q Where did you see her before the war? A Where they lived on Flint.

Q Where did you live at that time? A On Spavinaw, this side of Kayesville.

Q How far from Kayesville did they call for? A About 12 miles, on the military road right on Spavinaw, the Jess Buffington place is where I was raised.

Q How far was that from the Dannenberg place? A It was a long ways.

Q How old are you Jacob? A 59 as near as I can come.

Q What was you doing there at the Dannenberg place at that time?

A My master carried me up there.

Q When was that? A That was a long before the war came up.

Q Well how long before the war came up? A I can't tell exactly, it was not so long before the war came up though.

Q Who was your master? A At that time I belonged to Jim.

Q Jim Landrum? A No sir Jim Muskrat they called him.

Q What was he doing there at the Dannenberg place? A On business I guess.

Q Selling some of you? A No sir not exactly, I don't know, I never was sold in my life.

Q How many days did it take you to go up there from where you lived? A 2 or 3 days or more in wagons.

Q How long did you stay there after you got there? A 2 or 3 days.

Q Can you tell close to where they lived in Flint? A No sir I can't.

Q You got through with that visit and came back home and never saw her again until you saw her up here on Lightning? A Saw her mother at Fort Scott.

Applicant re-called and examined by Mr. Smith:

Q Where were you living in 1880? A On California creek, near the Whiskey crossing.

Q Were you and Pama living together then as man and wife? A Yes sir.

Q Do you know why you wasn't put on that roll? A At the time the census takers came round in the spring of '75, the census takers was Dick Duck and Mr. Hicks, they come to the house and my wife was absent and I gave in her name and all the rest of the family, there was an order from the Chief or the executive office for all those who had not met the census takers before to appear in at the district clerks and give in their census, and in '75 I taken my mother in law and went to the clerk and she gave them in and swore to it and proved it by John Freedman--that was the same year that Mr. Wallace made the roll of the freedmen that I went to Tahlequah and got Mr. Roscoe to go and examine the office and see if my people was down and he did and the clerk there told him the the district clerk S.C. Lipe, had never sent in any such reports.

By Bell:

Q That was in '75? A Yes sir, the time that Jacob Lipe was clerk he took the oath and they said that the first oath that he took was was that of this her woman's mother, Tilda Dannenberg.

By Smith-

Q Do you know why she was not placed on the 1880 roll? A Just rejected her then, they disputed her after that.

Q You were here at the time? A Yes sir.

By Can't Needle: John J. Rose applied for himself and two children Robert and James Rose, and he gave satisfactory proof

of his marriage to Mrs. Dannenberg according to the laws of the Cherokee Nation; the name of his wife is not found on the authenticated roll of 1880, but is identified on the Fern Clifton and Wallace rolls; the names of the two children above named are by his said wife Anna and are identified on the Fern Clifton roll; he makes satisfactory proof as to his marriage in the year 1880 according to the laws of the Cherokee Nation; they are all duly identified but for the reason that the name of the said family Dannenberg, the wife of the said John F. Rose does not appear on the authenticated roll of 1880, and because of the fact that the Cherokee Nation does not have the enrollment of these parties, the said John F. Rose will be listed for enrollment as a Cherokee Freedman by letter marriage on a doubtful card and the two children James and Robert Rose will be listed for enrollment as Cherokee Freedmen on a doubtful card, and the final decision of the Commission will be made known to them by mail.

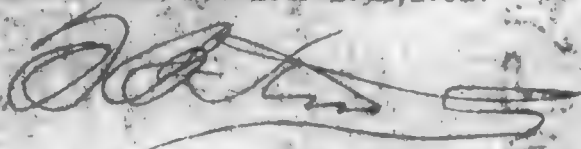
Chas. van Weize, being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full that portion of the testimony as indicated as having been taken by him, and that the foregoing is a full, true and correct transcript of his stenographic notes therein.

Subscribed and sworn to before me this 6th of June, 1901, at Chelsea, I. T.

(Signed) Chas. van Weize.
(Signed) T. B. Needham,
Commissioner.

W. D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he made the foregoing copy and that same is a true and complete copy of the original transcript.

Subscribed and sworn to before me this November 19th, 1901.



COMMISSIONER
Notary Public

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Department of the Interior,
Commission to the Five Civilized Tribes,
Cherokee, I.T., June 8, 1901.

In the matter of the application of Emily Nolen for the enrollment of herself and one child as Cherokee Freedmen, being sworn and examined by Commissioner Needles, she testified as follows:

Appearances:

Smith, of Mellette & Smith, for applicant;
W.W.Hastings, for Cherokee Nation.

- Q What is your name? A Emily Nolen.
Q How old are you? A About 50, I guess.
Q What is your post-office? A Ruby.
Q What district do you live in? A Geowdsoowee.
Q You apply to be recognized as a Cherokee Freedman? A Yes sir.
Q Who do you want to enroll besides yourself? A Well I can't enroll only them that's under age can I?
Q That's all.

Examined by Attorney Smith:

- Q What children do you want to apply for? A Jessie Rose.
Q Now the next one? A That's all, if you don't let me enroll the boys.
Q Have you any other child that's under age, not grown? A No sir, they are all grown but them three.
Q All except Robert, James and Jessie? A Yes sir.
Q Well, Robert and James have already been applied for by your husband, John J. Rose, so y^eu just apply for yourself and Jessie?
A Well, sir.

Examined by Commissioner Needles:

- Q How old is Jessie? A Seven or eight, seven years old I guess.

Examined by Attorney Smith:

- Q What is your name now? A Emily Nolen.
Q Were you the wife of John Rose? A Yes sir, I was.
Q How long did you and John live together, about? A I don't know.
Q What children were born to you and John Rose while you were living together? A All my children are his.
Q Give their names? A Charlie, Carrie, Willie, Mary, Geneva, Robert, Fannie and Jessie.
Q Did you and John separate? A Yes sir.
Q When did you separate? A About four years ago.
Q Where was Robert born? A On California Creek, in the Cherokee Nation.
Q Where was James born? A On Hickory Creek, Cherokee Nation, the same neighborhood.
Q Robert, James and Jessie are living with you? A Yes sir.
Q Where does Geneva live? A She has been living on Lightning Creek.
Q Is she married? A She has been married but ain't now.
Q Where is she living now? A She is living on Lightning.
Q Where does Mary live? A On Lightning.
Q Is she married? A Yes sir.
Q What is her name now? A Mary Blackburn.
Q Where does Will live? A He lives on California Creek, near Lenapeh.
Q Where does Carrie live? A She lives on Salt Creek, close to Ruby post-office.
Q How far from Ruby? A About a mile and a half.

- Q Is Carrie married? A Yes sir.
Q What's her name now? A Freeman. She married George Freeman.
Q Where does Charles live? A He lives near Coffeyville in the Cherokee Nation, on the Verdigris.
Q You apply for yourself and Jessie do you? A Yes sir.
Q What was your name before you were married? A Before I married the first time?
Q Yes sir? A Dennenberg.
Q Were you born a slave? A Yes sir.
Q Who did you belong to? A I belonged to Dennenberg.
Q Was he a Cherokee? A Yes sir.
Q Where did you live before the war? A In Flint, Cherokee Nation.
Q Were you taken out of the Cherokee Nation during the war? A Yes sir.
Q When did you come back? A I come back in the fall of '66.
Q Who did you come back with? A I come back with my mother and brother and sister.
Q What was your sister's name? A Jane Smith it is now.
Q Anybody else with you? A Uncle Dave Bronck.
Q What family did your father and mother have at that time at the time you came back here, who were the members of that family?
A That I belonged to?
Q Your father's family, you mentioned your sister, Jane Smith?
A And my brother, James Colbert; there wasn't but three children.
Q Where did you come to when you come back? A Come to Lightning Creek.
Q How long old are you, you say? A I am about 80 I guess.
Q You don't know ~~ask~~ your age? A No sir.
Q Can you remember how big you were when you came back to the Nation after the war? A I guess I was about 11 years old.
Q You don't know exactly? A No sir, I don't know my age.
Q You were not grown? A No sir, I wasn't grown.
Q Where does your sister, Jane Smith, live? A She lives on Hickory Creek, about nine miles below Coffeyville, in the Cherokee Nation.
Q What is her husband's name? A Charley Smith.
Q Where does James Colbert ~~live~~ your brother, live? A He lives near Bartlesville, in the Cherokee Nation.

Examined by Cherokee Representative, W.W. Hastings:

- Q You say you belonged to Dennenberg? A Yes sir.
Q Where did you live before the war? A I lived in the Nation, down there close to Flint.
Q Close to Flint? A Yes sir, I don't know what.
Q You don't know what district? A No sir, I don't know.
Q Did Dennenbergs have any children? A Yes sir.
Q What are the names of some of them? A His oldest girl was named Josephine and the oldest boy was named Henry.
Q You were living with them at that time? A Yes sir.
Q Who did your brothers and sisters belong to? A Same person.
Q All them you have mentioned belonged to the same person? A Yes sir.
Q And he was living in Flint District? A I guess it was Flint District, but I remember it was near Flint.
Q About how big were you when the war come up? A I was quite small.
Q You don't know, remember anything about the dates then? A No sir.
Q You don't know anything about the dates since then? A I know the dates when I see them, but I can't remember no dates that far.
Q You were not married when the war ~~was~~ up you come back here then?
A No sir.
Q When did you marry John Rose? A I don't know just when.
Q About how long after you come back here? A I guess about 4 or 5

year.

Q You never married him in Kansas then? A Yes sir, I married him in Kansas.

Q Then you married him before you come here? A I came down here and then I went back and I married him then when I went back.

Q Where did you come to when you come down here the first time? A I come to Lightning Creek.

Q Your father alive then? A I don't know anything about my father, I never saw him.

Q What, was your mother's name? A Tilda Dannenberg.

Q She come down with you then? A Yes sir.

Q Just you and your mother and brother and sister? A Yes sir, and Uncle Dave Frances.

Q He was along? A Yes sir, and Harry Still.

Q He was along? A Yes sir.

Q How long did you stay down here when you come? A I went back I guess it was in the summer.

Q What time did you come down? A I come in the fall.

Q And you stayed here then until the next summer? A Yes sir.

Q Then you lived in Kansas about four years? A No sir, I didn't stay there until September, I guess about September and I come back.

Q Well, you said you married up there? A Yes sir, I married up there.

Q Didn't you state awhile ago that it was about four years after you come down here until you married? A I meant it was four years from the time I come down here the first time.

Q What's what I meant? A Well I didn't stay up there no four years the following summer? A Yes sir.

Q Was it about four years when you first come down here after the war that you married Rose? A I come down here the first time with my mother and sister, and I stayed until along in the summer, and I went back and stayed there until along in the fall and I stayed there until in the fall and then I come back and I married up there and I come back that fall.

Q Was you ever married before? A No sir.

Q Was Rose ever married before? A Not as I knows of.

Q He was a state man? A Yes sir.

Q Who went back to Kansas with you? A A young man by the name of Reed Whitney.

Q Was he any relation to you? A No sir.

Q How did you two happen to go back together? A There was another girl went with us.

Q What place in Kansas did you go to? A We went back to Lawrence.

Q You were married in Lawrence? A Yes sir.

Q What year were you married? A I can't tell the dates, I was married, I can't tell how long I have been married and when I did marry.

Q You can't tell the year you was married in but you could tell the fall you come back here? A Oh yes, I can tell that, because I heard so much talk about it.

Q You didn't hear no much talk about your marriage? A No sir.

Q What is your oldest child's name? A Charley Rose.

Q How old is Charley? A I guess he is about 29.

Q Where was Charley born? A He was born in the Nation.

Q Where? A He was born on Grand River.

Q Who were your neighbors then? A My aunts.

Q What was their name? A Aunt Mary Buffington.

Q You were living then over on Grand River? A No I just went down there on a visit.

Q How long had you been in the Nation then? A I don't remember.

Q Where was your next child born? A On California Creek.

Q What was his name? A Next one to the oldest was? A Carrie

Emily Nolen et al 4

Freeman.

Q She was born on California Creek? Yes sir.

Q How far down from Coffeyville? A About 18 miles.

Q What direction? A South.

Q Have you been living at that place ever since? A Right around in the neighborhood ever since.

Q Where was Carrie Freeman married? A She was married on Hickory Creek.

Q She ever live any in Kansas? A No sir.

Q Did Charley ever go back to Kansas? A No sir.

Q Who did you and your mother live with the first fall after you came back here? A We stayed there at Aunt Mariah Hayden's.

Q Did you live in the house with her? A Yes sir. We lived in the house with her awhile, and we had a little house.

Q Who was living with aunt Mariah Hayden? A Why this man Reed Whitney, and this Andy Rider, and her son.

Q That was in the fall of '86 was it? A Yes sir.

Q Where was your aunt Mariah Hayden living then? A Why close just close to where she is living now, I don't know just where the place is, I couldn't tell where, just where the place is now.

Q It was on the same place, but a different house? A Somewhere along there, I have never been there vfor a long time, and I don't know.

Q She had a house built did she? A I suppose she had I don't know.

Q You don't know whether they were living in a house or not? A Oh yes, I know they were living in a house but I don't know how they got it.

Q You know how long they had been living there when you came? A No sir.

Q Had they raised a crop there, patch? A I guess they had a garden patch, but it has been so long I don't remember.

Q Was Mr. Hayden there? A I don't think he was at that time; you see I was small and then I can't remember very much noway.

Kerns-Clifton pay roll of citizens of the Cherokee Nation examined and applicant and child identified as follows:
page 146 #3618 Emily Rose, Cooweescoowee District;
page 146 # 3622 Jess Rose, Cooweescoowee District.

Wallace roll of citizens of the Cherokee Nation examined and applicant identified thereon as follows:
page 137 #3659 Emma Rose, Cooweescoowee District.

Examined by Commissioner Needles:

Q What is your present husband's name? A Manuel Nolen.

Q What was Rose's name? A John Rose.

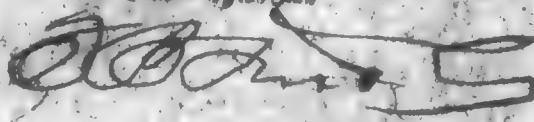
Com'r Needles: Emily Nolen applies for the enrollment of herself and child Jessie Rose; she cannot be identified upon the authenticated roll of 1880 or the census roll of 1896, but is duly identified upon the Kern-Clifton and the Wallace rolls, as Emily Rose, that having been her name by former marriage, and to one John Rose, from whom she is now divorced; she has since married one Manuel Nolen; by her first marriage to said John Rose she avers that she had one child, Jessie, and she is duly identified upon the Kern-Clifton roll according to page and number of the roll as indicated in the testimony; she avers that she was formerly married as stated, to one John Rose, from whom she is now divorced; said John Rose was duly listed for

Emily Nelson et al. 3

enrollment as a Cherokee Freedman on doubtful card 474, the testimony in said case will be made part of the record in the case at bar, and copy of said testimony will be filed with the testimony now being taken; they make satisfactory proof as to residence, consequently, Emily Nelson and her child, Jessie Rose, will be duly listed for enrollment as Cherokee Freedmen upon what is known as a doubtful card; she will be notified of the decision of the Commission in her case when arrived at.

M.D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this June 4, 1901.



Commissioner.



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Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T. October 23rd 1901.

SUPPLEMENTAL TESTIMONY in the matter of the application of John J. Rose, C. F. D. 474.

Appearances:

James S. Davenport for the Cherokee Nation.

Mellette & Smith for the applicant.

PHILLIS GUNTER being first duly sworn by Com'r T. B. Needles, testified as follows on the part of the Cherokee Nation:

(By Davenport)

Q What is your name? A Phillis Gunter.

Q Where do you live? A In Coowasee Band, Coowasee district.

Q How old are you? A I just don't know my age exactly.

Q Do you know John J. Rose? A Yes sir, I know him.

Q Do you know Emily Nolen who was formerly the wife of John J. Rose?

A Yes sir.

Q Where did you first get acquainted with them? A I was acquainted with their mother in slave times.

Q With their mother, whose mother do you mean? A Emily's mother.

Q What was her name? A Matilda Dannenburg.

Q Were John J. Rose and Emily Nolen any relation to each other? A Yes sir they got married.

Q Where did they get married? A In Kansas somewhere, I can't tell exactly the place.

Q Where did you know John J. Rose and Emily as man and wife? A Right there in Lawrence.

Q When did you come back to the Cherokee Nation after you knew them in Lawrence? A As near as I remember it was the year before the Grass or Bread payment.

Q Do you know what year that was, what year the bread payment was made? A No sir.

Q Where was John and Emily living when you came back from Lawrence? A I left them up there.

Q Up where? A Lawrence Kansas and never seen them any more until they came here.

Q Did they have some children? A Yes sir.

Q Do you know the names of any of them? A A little boy named Charlie and a girl named Lizzie is all they had then.

(By Smith)

Q Are you a freedman? A Yes sir that is what I have been claiming.

Q Are you on any of the rolls of the Cherokee Nation? A Yes sir.

Q What rolls? A My case was taken up at Chelsea.

Q I ask what rolls you are on? A Clifton and Wallace rolls I guess they call it.

Q Who did you belong to before the war? A I belonged to a woman, she was a Starr before she married and she married a man named Latty.

Q What was her name before she married? A Jane Starr.

Q What was her father's name? A I don't know.

Q Where did they live? A At the old home up in Flint and in Sequayah

Q Near what town? A Not close to any town, lived out in the country, the closest town was Evansville.

Q Were you living there when the war commenced? A Yes sir.

Q Where did Emily's mother live? A With Mrs. Dannenburg.

Q How far from where you lived? A In the same district but it was further off, north from me, I can't tell the distance exactly.

Q Was it 30 miles? A No sir, I don't think it was quite that far.

Q You didn't know Emily herself before the war? A Yes sir I knowed her.

Q I thought you said you knew her mother—what was her mother's name? A Matilda Dannenburg.

Q Did you, or did you not know Emily before the war? A I think Emily

was born before the war, if she was she was a small child; I know I saw her in her mother's arms.

Q Was that before the war? A Yes sir.

Q Sure of that? A Yes sir.

Q Where did you ever see her in her mother's arms before the war?

A With her mother at the Dannenburg place.

Q How many times were you at the Dannenburg place? A I was hired out to his brother Nathan.

Q How far did the two Dannenburg brothers live apart? A I cant say exactly how far.

Q Cant you give some idea as to how far? A I dont know exactly.

Q How many miles apart? A Nathan lived in town and one lived in the country.

Q Was it 400 miles apart? A No sir it wasn't, I dont suppose it was over five miles, it wasn't five miles, it was between 3 and 4 miles I guess.

Q When the war come up where did you go? A When the war come up for a little while when the war was raging so I was with my owners at Parkhill a while and then came back to the old home place.

Q When did you go up to Kansas? A About the time of the close of the war, just about the time that Quantrell's raid was in Lawrence.

Q What place in Kansas did you go to? A Lawrence.

Q Where was this Matilda then, didnt you say you saw Matilda there?

A When I first went up in Lawrence.

Q Yes sir? A I didnt see her when I first went up there, we lived on one side of the river and they lived on the other, but I shortly afterwards saw her, I didnt see her for the first day or two after I got there.

Q You said a while ago that you saw Emily in her mother's arms you though before the war, how long before the war was it? A I cant say I dont know, I dont recollect that far back I have told it as straight as I know.

Q You claim to have known this woman ever since she was a little baby, now when was she a little baby? A I cant say.

Q How big was she when the war come on? A Quite a little girl.

Q How many years old? A I dont know, never paid any attention, just seen them and knowed the, I dont know anything about the ages.

Q Was she three years old? A She might have been and might have been more.

Q Well, about how old? A I dont know.

Q You saw her and would know the difference between a girl three years old and one ten years old wouldn't you? A Yes sir I might.

Q You are in doubt about that are you? A Yes sir.

Q How old was Emily when you saw her at Lawrence? A Little child.

Q How long did you live in Lawrence? A I dont know how many years, I staid there a good while.

Q You dont know if it was one year or two years or six years? A I know it wasn't six.

Q Was it over two? A Yes sir I guess it was.

Q How much over? A I dont know.

Q Was you living there as much as five years? A I dont know if I did or not, I know I was there that in all I do know.

Q How long did you live there, was you there as much as five years? A I dont know if I was there five years or over five years or under five years, I dont just exactly know the years or dates, I know I was there quite a while, I know I was there two or three years any way.

Q You can be sure in saying that it was over two years, two or three years? A Yes sir.

Q You wouldn't swear positively that you were there as much as five years though? A No sir.

Q You will swear positively that you were there as much as two or three years? A Yes sir for I know I was there that much.

Q Who did you live with there in Lawrence? A With my husband.
Q Who was he? A Harry Gunter. Q Is he living or dead? A Dead.
Q When did he die? A A year and six months ago.
Q Since you came here? A Yes sir.
Q You don't know what year it was when you went to Lawrence? A No sir
I don't know that, ~~because~~.
Q It was some time after you went up there before you saw this
Matilda? A Yes sir.
Q When you discovered her there how far was she living from you? A
Must have been 2 or 3 miles, she wasn't living right in town, she
lived kinda in the country.
Q You lived in town? A I lived on the north side of the river, the
river was betwixt us and town.

This will be filed in the original application, that of John J. Rose,
C. F. D. 474 and also in Cherokee Freedmen doubtful cases, D-514;
D-515; D-516; D-517; D-518; D-521; D-520; D-521; D-477; D-504; D-582;
D-583 and R-132.

Chas. von Weise, being first duly sworn states that as stenographer
to the Commission to the Five Civilized Tribes he reported in full
all the proceedings in the above cause and that the foregoing is a
full, true and correct transcript of his stenographic notes therein.

Subscribed and sworn to before me this 24th of October, 1901.

Chas. von Weise
C. A. McKinnon

Commissioner

To be filed with _____.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., October 29th, 1901.

SUPPLEMENTAL TESTIMONY in the matter of the application of Joe
Ross C.F.D. 350.

Appearances:

W.W.Hastings, for the Cherokee Nation.
Mellotte & Smith for the applicants.

BY MR. HASTINGS: The Representatives of the Cherokee Nation ask that the testimony of Sam Webber, re-called, in the case of Jefferson Ross, and others, Freedmen D 372, be made a part of the record in this case.

COMMISSIONER: - - - It is further ordered that a set of all the testimony given by Sam Webber in Cherokee Freedmen Doubtful case 372, the same being the case of Jefferson Ross be filed in the case Cherokee Freedmen D 350, of Joe Ross, and in Cherokee Freedmen D 496, of Chlora Grayson and in Cherokee Freedmen D 236, of Aaron Webber.

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Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I.T., June 26, 1901.

In the matter of the application of Jefferson Ross for the enrollment of himself and four children as Cherokee Freedmen.

Appearances:

Mellotte & Smith, attorneys for applicants;
W.W.Hastings, counsel for Cherokee Nation.

Sam Webber, being duly sworn by Commissioner Needles, testified as follows:

Mr. Smith: What is your name? A Sam Webber.

Q How old are you? A About 58.

Q Where do you live? A I live about two miles west of here.

Q How long have you lived in the Cherokee Nation? A I was born and raised here, and after the war came back.

Q Do you know this applicant, Jefferson Ross? A Yes, sir.

Q Were you acquainted with him before the war? A No, sir, I wasn't acquainted with him before the war.

Q When did you first know him? A I got acquainted with him just after the war.

Q Where? A Here in the Nation.

Q About what part of the Nation? A He came to my house thereon Big Creek in the Nation.

Q What time? A Along in the spring of '67.

Q Do you know of your own knowledge when he first came back to the Territory after the war? A No, sir, I don't know of my own knowledge.

Q Do you know where he was living at the time he came to your house?

A He had been working on Snow Creek he claimed and he was on his way hunting his sister.

Q Did you ever see him after you saw him that time? A I put him on the trail down to his sister's and I never saw him for quite a little bit from that; when I saw him he was there on Lightning Creek.

Q Did you see him then after that at his sister's? A I saw him then often and on for near about two years I guess.

Q Where? A There at Lightning Creek.

Q In the Cherokee Nation? A Yes, sir.
 Q Was he a married or a single man at that time? A He was a single man to my knowledge.
 Q Do you know where he is living now? A No, sir, I don't.
 Mr. Hastings: You saw him around here for about two years?
 A Yes, sir.
 Q Then how long was it till you saw him again, Sam? A I remember after that of seeing him on Big Creek again.
 Q How long after that? A Must have been six months of a year after that I met him again there.
 Q You know where he was married? A No, sir, I can't tell you.
 Q Was he married at that time? A If he was I didn't know it.
 Q Did you know his wife? A No, sir, I don't know his wife.
 Q Did you ever see his wife? A Not to know it was her.
 Q Has this man ever kept house to your knowing? A When I saw him he was to his sister's.
 Q What was her name? A Katie Thornton.
 Q You never saw him in a separate, independent house, keeping house with his family? A No, sir, never did.
 Q What is his occupation? A I can't tell you.
 Q Did you ever see him making a crop anywhere? A I never saw him farming, I have seen him working for people around there.
 Q He never made a crop to your knowledge? A No, sir, not to my knowledge.
 Q Has he got any special occupation like a carpenter? A Not as I know of.
 Q What is Katie Thornton's husband named? A Henry Thornton.
 Q Was that her husband at that time? A Yes, sir.
 Q With whom does this man stay now? A I don't know that.
 Q You never saw him anywhere except around to his sister's? A That is all I have noticed him.
 Q Did he have any children when you saw him? A I never saw them if he did.
 Q You don't know where his family were, if he had any? A No, sir.

Sam Webber, re-called, testified as follows:

Mr. Hastings: Mr. Webber, when were you first married? A When I first married, I married just a short while after the war, I don't remember what year.
 Q Before you came down here? A After I came down here.
 Q Well, about how many years after you came down here? A It wasn't a year I guess after I came here.
 Q Well, you know what time of the year you were married? A I was married along in the winter.
 Q Was that the same winter you came, or the winter of '67? A It was along about, it thowed in '67, it was after Christmas.
 Q You mean in January of '67 or the last part of '67? A It was along after Christmas, I don't remember the date.
 Q What was your wife named? A My wife at that time was Rinda Martin.
 Q When did you commence keeping house? A I went in my house when first came there.
 Q You and your wife keeping house separate and apart? A I was keeping house when I was single, I built me a little house, and was living in there.
 Q What time in the year did you and your wife move into that house? A We moved right in the house after we were married.
 Q And you don't remember when that was, what time of the year? A Along after Christmas, I was already in the house.

M. D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he made the foregoing copy and that the same is a true and complete copy of the original transcript.

(Signed) M. D. Green.

Subscribed and sworn to before me this November 16, 1901.

(Signed) J. G. Starr,
Notary Public.

(SEAL)

I, A. R. Cheever, being duly sworn, state that as stenographer to the Commission to the Five Civilized Tribes, I made the foregoing copy and that the same is a true and complete copy of a certified copy of the original transcript.

A. R. Cheever

Sworn to and subscribed before me this 11th day of August, 1902.

B. J. Jones
Notary Public.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskegee, I. T., February 24, 1902.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of
SAMUEL BECK as a Cherokee freedman; introduced on part of the
Cherokee Nation:

Appearances:

L. T. Brown, Vinita, I. T., Agent for Applicant;
J. S. Davenport, Cherokee representative.

L. B. BELL, being duly sworn, testified as follows on
part of the Cherokee Nation:

MR. DAVENPORT:

- Q What is your name? A L. B. Bell.
- Q Where do you live, Mr. Bell? A Vinita, Indian Territory.
- Q How long have you lived in and near Vinita? A Oh, since '67, including most of '67.
- Q Was there any railroad running in or through Vinita when you first moved into that community? A No, sir.
- Q When did the railroad first come through that country, Mr. Bell?
- A In 1871.
- Q You know this applicant, Sam Beck? A No, I don't know him.
- Q Don't know anything about him? A No, sir.
- Q Was you living in that country before the railroad started from Kansas through the Indian Territory; that is, the M. K. & T.?
- A Well, I will tell you what I know about the railroad; The railroad came through the country in 1870, and on the application of the Cherokee Nation, a complaint to the Secretary of the Interior, they stopped building and during the session after 1870 of the National Council of the Cherokee Nation, they passed an Act there, it is dated the 14th of December, 1870, authorizing the furnishing of cross-ties to the railroad, and agreeing that the railroad could go through. The secretary hadn't determined which had the right-of-way. They had begun it in 1870 and the M. K. & T. got the right-of-way, and then they authorized the selling of cross-ties, and I went to Chetopa and made a contract with the Company for cross-ties enough to build from the Kansas line to Pryor Creek and sublet it. Mr. Martin was one I sublet to, that was in 1870 that contract was made, I don't recollect the exact date. Well, just a few days following that we began getting cross-ties and then worked on down to the Creek Nation. That was the first railroad built in the country and first cross-ties was cut on the railroad in this country.
- Q You don't know anything about the wife of Beck or anything about them? A No, I don't.

C. D. MARKHAM, being duly sworn, testified as follows on
part of the Cherokee Nation:

MR. DAVENPORT:

- Q What is your name? A C. D. Markham.
- Q Where do you live? A At Tahlequah.
- Q How long have you lived in the Cherokee Nation?
- A I was born and raised here; never was out except during the war.

Q Where did you live before moving to Tanisquan? A Lived on Grand river east of Choteau about ten miles.

Q Do you know Samuel Beck, the applicant in this case, or his family? A No, sir.

Q Where were you living along the latter part of the sixties or early part of the seventies? A On the Grand river.

Q Do you know about the year the M. K. & T. railroad built from Chetopa, Kansas, down through the Territory? A It must have been the latter part of '71 or '8.

Q Had you any connection with it any way that makes you remember it? A Yes, sir, I had a contract on the road, beginning at Bryant's Lake, down this way.

Q And that was in what years it built down there? A The ties was put in there in the spring, latter part; it was in the spring of '71.

BY ATTORNEY BROWN:

Q You don't know the applicant, Mr. Markham? A No, sir, I don't.

Q You don't know to whom he belonged before the war or when he returned to the Cherokee Nation? A No, sir.

Commission: This testimony will also be filed in and made a part of the record in Cherokee freedman case No. D.391.

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J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(signed) J. O. Rosson.

Subscribed and sworn to before me this February 27, 1902.

(signed) T. B. Needles,
Commissioner.

I, A. R. Cheever, being duly sworn, state that as stenographer to the Commission to the Five Civilized Tribes, I correctly copied the original of this case, and that the foregoing is a correct copy thereof.

A R Cheever

Sworn to and subscribed before me this 7th day of August, 1902.

Prince C Jones
Notary Public.

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File with Cherokee Freedman D- 511, Emily Nolen.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., February 25, 1902.

SUPPLEMENTAL TESTIMONY ON BEHALF OF CHEROKEE NATION in the matter of the application of EMILY NOLEN for enrollment as a Freedman of the Cherokee Nation, D-511.

Appearances:

Mr. Hellette, of Hellette & Smith, Vinita, I. T., attorneys for the applicants;

Mr. J.S. Davenport, of attorneys for the Cherokee Nation.

MARTHA PACK, being sworn and examined, testified as follows:

BY MR. DAVENPORT:

Q What is your name? A Martha Pack.

Q Where do you live? A Tahlequah.

Q How long have you lived in Tahlequah? A About 15 years.

Q Where did you live before you went to Tahlequah? A I lived in Saline District.

Q Do you know a colored woman by the name of Emily Nolen now, that is, who goes by that name at present? A I know her, but I don't know her by that name.

Q What name do you know her by? A I know her by Emily Rose.

Q Where did you first get acquainted with her? A I got acquainted with her in Coffeyville, Kansas.

Q How long ago was it that you got acquainted with her in Coffeyville, Kansas? A Well it has been about 25 years, if not longer.

Q Where was she living at that time, if you know? A She was living in Coffeyville, Kansas.

Q Did you have any conversation with her at that time, become quite well acquainted with her? A Yes sir, well acquainted with her.

Q Did she tell you anything about where she had lived prior to moving to Coffeyville? A No, but they came from upper Kansas there.

Q Came from somewhere else in Kansas? A Yes, up above.

Q You know where she is living now, or about what locality? A I think she lives on Big Creek or somewhere up in there.

Q In the Cherokee Nation? A Yes sir.

Q Have you seen her since you saw her when she was living in Coffeyville, Kansas? A Oh yes sir, lots of times.

Q How long did she live in Coffeyville, Kansas, to your knowledge after you got acquainted with her, or about how long? A Well about two years I guess, I think.

Q You had never known her before the war had you? A No, never known her.

Q She claims to have been a Dannenberg, I believe, you never knew her until after she was living with John Rose? A She was living with John Rose.

Q Was John Rose living with her after you got acquainted with her in Kansas? A Yes sir. They were all living together, her mother, Charley's Smith's wife.

Q What was her mother's name? A Tildy Lacey.

Q What was her sister's name? A Jane Smith.

Q You know where Jane Smith is living now? A She lives on Hickory Creek.

Q That is in the Cherokee Nation? A Yes sir.

BY MR. HELLETTE:

Q What you say your name is? A Martha Pack.

Q How close is Coffeyville, Kansas to the line of the Cherokee Nation? A Why I don't know exactly how close the line is, it was 15 miles at the time where I lived to Coffeyville.

Q Where did she live? A She lived in Coffeyville then.

Q How do you know she did? A I worked there in Coffeyville, and ~~spoke~~ was well acquainted with her.

Q How long did you work there? A Oh I worked there a year or two.

Q Which was it? A About a year I guess.

Q She there all the time while you were there? A Yes sir.

Q Where did they live? A They lived right in town.

Q Were they ever in the Cherokee Nation any? A No sir.

Q You say they never was over in the Cherokee Nation? A No, only when they went to church.

Q How do you know? A Because I lived near them, I lived right there near, I didn't live with them, I was working right there, and was there every day.

Q How close did you live? A About a hundred yards.

Q You watched them all that year did you? A No, I didn't watch them, I was well acquainted with them.

Q When were you first asked about this matter as to what you remembered about it? A Why I know about them?

Q Yes. A Last summer.

Q Then you remembered back 25 years? A Oh yes sir.

Q And remember everything that the Molens did 25 years ago? A No, I just know where they lived at, and was well acquainted with them.

Q You know they lived right there in Coffeyville? A Yes sir.

Q But you didn't watch them to know exactly where they went at different times? A Oh I know where they lived because I passed them.

Q Don't you know they were away from there months at a time? A No sir, they was not away from there while I was there; they might have went away after that. I know the time they come in the Cherokee Nation and made a crop.

Q When was that? A I don't remember the year exactly, but it was the year that the grass-hoppers were just thick in the farms, that was the year that Joe Rose and Charley Smith came to the Cherokee nation and made a crop.

Q What year was that? A I don't remember, I couldn't tell you that.

Q Hadn't they been farming down in the Cherokee Nation all the while? A No, that is the first year they went.

Q Where did they come from to Coffeyville? A They come from in above in Kansas.

Q How do you know? A They said they come from above there, I didn't know it.

Q How old are you? A I am about 43 or '4, along there.

Q Then how many years ago was it you saw these people in Coffeyville? A It has been about 25.

Q What makes you think it is 25 years? A Because my oldest child is 25 years old.

Q When was that child born? A I couldn't tell you what year that was, but she is 25.

Q Was she born while the Roses were living there in Coffeyville? A Yes sir.

Q How do you know that? A I know that.

Q You had a little baby to take care of didn't you? A ; No I come away from there, they had been living there quite a while.

BY COMMISSION: This testimony will be filed and made a part of the record in the following Cherokee Freedmen cases: D-477, D 514, D 515, D 516, D 517, D 518, D 520, D 521, and D 804.

M.D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me
this February 28, 1902.

[Signature]
Comm

Supl. C. D. 312, Freedman.

Department of the Interior,
Commission to the Five Civilized Tribes,
Washoe, T. D., March 4, 1902.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of
EDWARD WRIGHT as a Cherokee Freedman, introduced on part of the
Cherokee Nation.

The Cherokee Nation by its representative makes satisfactory proof of service on H. B. Lawson, the attorney for the applicant in this case, that testimony would be introduced by the

representatives of the Cherokee Nation tending to disprove the right of said applicant, Edward Wright to citizenship in the Cherokee Nation at the offices of the Commission in Muskogee, Indian Territory, on the 3rd day of March, 1902, and from day to day thereafter until the same could be heard by the Commission during the usual business hours.

Cherokee Nation represented by its representative, L. B. Bell.

G. V. Rogers, being duly sworn, testified as follows on part of the Cherokee Nation.

MR. BELL:

- Q Tell him your name? A G. V. Rogers.
- Q Age? A 63 years old.
- Q Place of residence? A Claremore.
- Q Are you a citizen of the Cherokee Nation? A Yes, sir.
- Q How long have you been such? A All my life, a little over 63 years.
- Q Did you go out of the country during the war? A Yes, sir.
- Q When did you return? A '66.
- Q Where did you come to? A Come to Fort Gibson.
- Q And stayed there did you? A Yes, sir.
- Q Well what was your business? A After I come back?
- Q Yes? A I followed freighting for something over three years.
- Q Where and between what places? A Sedalia and Pleasant Hill and Kansas City to Fort Gibson.
- Q Were you ever acquainted with a Freedman by the name of Moses Whitmire? A Yes, I know him.
- Q Where did he belong before the war? A He belonged in Goin' Snake District.
- Q Do you know what particular Whitmire he belonged?
- A I don't remember whether he belonged to George Whitmire or Lee Whitmire.
- Q If you did see him when did you first see Moses Whitmire after the war, after your return to the Cherokee Nation?
- A As well as I can remember it was in February, '68; I met him just on this side of the Neosho River, as they were moving back to this country from Kansas. There was between 24, from 24 to 25 wagons and I met them right on this side of the Neosho River; Dick Whitmire, Moses Whitmire and Aaron Whitmire and old Major Wright is all I know in the outfit.
- Q Did you have any conversation with them, stop and talk with them?
- A Yes, sir, and Col. Bill Ross passed while I was talking to them going to Fort Scott.
- Q Did you ask them where they was going to? A They said they was moving back.
- Q Well this 25 or more wagons was loaded with people?
- A Yes, mostly every one had household goods in them.
- Q Colony of Cherokee Freedmen? A Yes, sir, coming back to the Cherokee Nation.
- Q Well now that was; where you say it was? A It was right on this side of the Neosho River; between the old Hudson place and Neosho River.
- Q How far from the Neosho River? A I suppose half a mile.

Q How far S on the north line of the Cherokee Nation?

A I think the river is the line, about half a mile.

Q And how far is that from the Kansas line? A The Neesho is the line, way I understand it.

Q You had reference to where the military road crosses the Neesho river? A Yes, sir.

Q At Jack McLain's ferry? A They called it Hudson ferry at that time.

Q Hudson lived there? A Yes, sir, in about a half mile.

Q And this Moses Whitire you met and talked with is the same one you knew in Going Snake and belonged to the Whitire family there?

A Yes, sir.

Q About how old a man was he when you met him? A He is an older man I think than I am.

Q And you saw other with him you knew? A I think Aaron Whitire and Moses Whitire and old Major Wright is the old ones I know.

Q And you talked with him there? A Oh, I guess I talked with him ten or 15, 20 minutes and while I was talking to him Col. Ross passed going to Fort Scott.

Q Do you know where this man Whitire lives now, Moses Whitire you met?

A No, I don't know where he lives.

MR. HASTINGS, Cherokee Representative:

Q Don't you know he lives on Salt Creek near Hayden? A No, I don't know for certain I heard he lived on Big Creek. I don't know thought where he lives, I have saw him ever since I have been here. I don't think I ever was at his house.

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I hereby certify upon my official oath as stenographer to the Commission to the Five Civilized Tribes that I correctly recorded the testimony and proceedings had in this case on the above date, and that the foregoing is a true and complete transcript of my stenographic notes thereof.

(Signed) J. O. Rossen.

Stenographer.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., April 11, 1902.

In the matter of the application of Charles C. Smith et al
for enrollment as Cherokee Freedmen.

SUPPLEMENTAL TO D-514.

Applicants represented by Mellette & Smith, Vinita, I.T.
Cherokee Nation represented by W. W. Hastings and J. S.
Davenport.

The Cherokee Nation by its representatives makes satisfactory proof of service on the applicants' attorneys, Mellette & Smith, that it would on the 11th day of April, 1902, at the offices of the Commission at Muskogee, Indian Territory, introduce testimony tending to disprove the right of the said Charles C. Smith et al to enrollment as Cherokee Freedmen.

The applicants and their attorneys have this day, to wit the 11th day of April, 1902, been called and fail to respond either in person or by attorney.

HATTIE DRAKE, being first duly sworn, testifies as follows:

MR. STINGS: What is your name? A Hattie Drake.

Q What is your age, Mrs. Drake? A 48 my next birthday.

Q Where do you live? A Lawrence, Kansas, Douglas County.

Q How long have you been living in Lawrence, Kansas? A Well, I was brought there when I was quite a little girl, and I lived there until after I was married, and then I went away and lived ten years, and then moved back to Lawrence and been there ever since, and that's been about seventeen years.

Q Well, where were you living when the war closed? A I was living in Lawrence, not in the city, in the country just a little piece from town.

Q Well, did you move into town after that, after the close of the war, immediately after the close of it? A No, sir.

Q You were living right in the edge of the town? A Yes, sir, you might say; I went to school in town.

Q Did you know a colored woman by the name of Matilda Dannenberg?

A I knowed a colored woman by the name of—knowed of her—by the name of Matilda Colbert.

Q Well, did you know any of her children? A Yes, sir.

Q What were their names? A One was named Jane and one was named Emily.

Q Did they have a brother there by the name of Jim? A Yes, sir, there was a little boy they called him either Jim or James, it seems to me they called him Jimmy.

Q Where did you know these girls? A I went to school with them in North Lawrence.

Q Was that after the war closed? A Yes, sir, I am pretty certain it was, I know where we lived when the war closed, and I went from there to school.

Q It was after this time? A Yes, sir.

Q How long did you go to school with them? A Well I couldn't tell just exactly how long, but I went to school two different times, I

won't say terms, because I never did go to school a whole term in my life, but two different times I was at school with Jane and Emily; I won't say that I went to school with the little boy, but I have

seen him, know him.

Q And you knew of their mother? A Yes, sir, I knew of their mother.

Q Did you know about where she lived in the town or city? A Well, I don't know as I was ever at her house, but my understanding was that she lived on Walnut Street in North Lawrence.

Q You knew of her living there? A Heard of it, yes, sir, heard of her living there.

Q You went to school two different times with them? A Yes, sir.

Q Do you remember what years they were? A No, sir, I couldn't tell you.

Q Couldn't tell? A No, sir.

Q Do you know what become of these girls? A No, sir, I don't know what become of them, but I heard, I heard that they moved from Lawrence to Topeka, but I never did see them in Topeka.

Q Well do you know whether Emily was married there or not? A I didn't see her married, I heard that she was.

Q Where? A In Lawrence.

Q To whom? A A man by the name of— I heard her husband was named Rose, John, I believe, Rose.

Q You only heard of this like any other circumstance in the town? A Yes, sir, I didn't see them married and didn't know her husband.

Q Didn't know her husband? A No, sir.

Q Was Jane married when she left there? A If she was I never heard of it.

Q You heard when they left there that they went to Topeka? A Yes, sir, what I heard; never saw them in Topeka at all.

Q Never saw them? A No, sir.

COMMISSIONER: How old did you say you were? A I am 47 past, I will be 48 years old the first day of June.

Q Where do you live? A I live in Lawrence, Kansas, Douglas County.

Q When did you first begin to know the mother of these children that you are speaking of? A Well, I didn't know the mother so well, I have just heard of her, know of her.

Q When did you begin to know the children? A When I was going to school with them.

Q You don't know when that was? A I couldn't tell you what year, no, sir.

Q How old were you, have you any idea? A Well, I was about 11 or 12, between 11 and 13 years old I will say; my mother didn't exactly know my age, but that's what she says that she was—

Q Sometime after the close of the war was it? A Yes, sir.

Q Well, now, how long did those people continue to reside in the same community where you were living? A After I got acquainted with them.

Q Yes. A Well, I couldn't tell you.

Q Were they living there when you came, or did they come afterwards? A I couldn't tell you that.

Q Haven't you any idea how long they continued to live there?

A No, sir, I don't know how long they lived there.

Q Do you know when they came to your neighborhood? A No, sir, I lived kind of in the country, and the cause of my knowing these girls I went to school with them, I met them first, I can remember I met them at school.

Q That was after the close of the war was it? A Yes, sir.

Q Do you know where they came from? A No, sir.

Q How long did you continue to know them at that place? A Well I couldn't tell that exactly; I know I went to two different schools with Emily and Jane, and I couldn't tell you just how long, I was quite a little girl myself.

Q Did you ever miss them from that neighborhood during the time that you were there? A Yes, sir.

Q Do you know where they went to? A I don't know where they went to, I heard they went to Topeka.

Q You don't know then that they did go to Topeka? A No, sir, I never seen them there.

Q Have you seen them since they left that place? A No, sir.

Q Have you ever heard of any of them? A Yes, sir.

Q Where were they living when you heard about them? A I heard that they was living in Topeka.

JOHNATHAN JONES, being first duly sworn, testified as follows:

MR. DAVENPORT: What is your name? A Johnathan Jones.

Q Where do you live, Mr. Jones? A In Topeka, Kansas.

Q How long have you lived in Topeka? A Ever since '66, February '66.

Q You went there after the close of the war? A After the close of the war, I was mustered out—

Q What part of the city did you locate in when you first went there?

A When I first went, just outside of the town, out on the prairie just outside of the town.

Q Well, after you went to Topeka, Kansas, did you get acquainted with a colored woman by the name of Tildy Bannenberg or Matilda?

A Tildy Colbert she was called when I first got acquainted with her.

Q Well, do you know whether or not this Tildy Colbert, as you knew her had any family? A Well, yes, sir, she had three children.

Q What were their names if you know? A There was Emma and Jane and Jim.

Q Was either of them married when you first got acquainted with them? A Well, yes, sir, Emma was married.

Q Do you know what her husband's name was? A John Rose.

Q Did you ever get acquainted with John Rose while they lived there?

A Yes, sir.

Q Well, was Jane married or not? A Well, she married afterwards, after they went to Topeka.

Q Do you know to whom she was married? A Oh yes, sir.

Q What was her husband's name? A Charley Smith.

Q Now about that year, about how long had you been in Topeka before you got acquainted with Matilda Colbert? A Well, I suppose I had been there about two years before I got acquainted with them; I ain't positive, a year or two anyway, I can't say positively.

Q How far did you live from them when they first located? A Well, when I first got acquainted with them I lived—they lived on Jefferson and I lived down on—

Q Jefferson street you mean? A Yes, sir, on Jefferson street, and I lived down on Washington close to Crane.

Q Well, did they afterwards move? A Yes, sir, they moved and lived about I suppose from here over to the building across the way. (Pointing across the street.)

Q What street did they live on then? A Crane street.

Q How far from you then did they live when they lived on Crane?

A Well, about as far as from here over to that building across the street.

Q About how far would you estimate that? A They was about half their lot.

Q About half a block? A About half their lot, just the length of 150 feet their lot was you know, and they was a little over half way from me.

Q Well, now, did this woman Matilda Colbert as you knew her, marry any man? A Well, I can't tell you whether she

married or not, but it strikes me that she did.

Q Now Mr. Jones, how long after you got acquainted with Matilda Colbert and her children did they continue to live in Topeka or near Topeka? A Well, I suppose they lived there about six years, somewhere about that, after I got acquainted with them, five or six years as near as I can recollect.

Q Well now while the family lived there was you well acquainted with them? A Oh, I was, yes, sir.

Q About how often would you see them when they were living on Crane Street? A Every day.

Q Did they continue to make that their home? A Yes, sir, till they sold out to come down.

Q Do you know whether or not they owned their property there? A Yes, sir, she owned it.

Q Now this Jim you speak of, what name did he go by? A Jim Colbert.

Q And Jane had married Charley Smith while— A She was Jane Colbert when they first went there.

Q And Emily had married? A Married John Rose when they first come.

Q Well, now, do you know where they said they came from when they came to Topeka; where did they say they was from? A Lawrence.

Q Lawrence, Kansas? A Yes, sir.

Q Well, now, about what year did they leave or move away from Topeka, Mr. Jones? A I suppose in '73 or '4, I ain't positive just which, but somewhere along there.

Q They came to Topeka about what year? A They came there I suppose, just my idea is as well as I can recollect, in '68 or '9, I couldn't say positively, but '68 or '9.

Q Went away from there about '73 or '4? A Yes, sir.

Q Somewhere along there? A Somewhere there in that neighborhood, right close about that.

COMMISSIONER: You didn't learn to know these people until about two years after you came to Topeka, Kansas? A Well, somewhere about that, I couldn't say positively just exactly what time, but then some time in the neighborhood of two years I got acquainted.

Q It was approximately two years after you came to Topeka when you first learned to know them? A Yes, sir.

Q You went to Topeka in '68? A In '68.

Q You don't know where these people were in '68? A I don't.

Q Have it any idea? A No, sir.

Q Well now how long did they continue to reside there at Topeka, Kansas about how long? A Well, I suppose they staid there some five or six years.

Q Do you know where they went to then? A Well, yes, sir, they came down to the Territory.

Q To the Cherokee Nation? A Yes, sir.

Q Haven't they resided in Topeka since that time? A No, sir, not that I know of.

MR. DAVENPORT: The Cherokee Nation offers in evidence a certified copy of a marriage license of J. Math Lacy, of Topeka, Kansas, to Matilda Dannenburg, of Topeka, Kansas, dated February 6, A. D. 1869; also marriage license of William Rose, of Topeka, Kansas, to Matilda Lacy, of Topeka, Kansas, dated April 5, 1875: said documents being as follows:

State of Kansas,

County of Shawnee. } ss. Office of Probate Judge of said County.

Be it remembered, that on the sixth day of February, A. D. 1869, I issued from the office of said Probate Judge, a Marriage License

cense, of which the following is a true copy:

—Marriage License:—

Shawnee County, State of Kansas, February 8,
A. D. 1869.

To Any Person Authorized by Law to Perform the Marriage Ceremony

Greeting:

You are hereby authorized to join in Marriage, Joseph Lacy of Topeka, aged 28 years and Matilda Deninburg, of Topeka, aged 30 and of this License you will make due return to my office within thirty days.

(Seal) Lewis Hanback, Probate Judge.

And which said Marriage License was afterwards, to wit: on the 25th day of February, A. D. 1869, returned to said Probate Judge, with the following certificate endorsed thereon, to wit:
State of Kansas, County of Shawnee, SS:—

I, Thos. Wilson, Clergyman do hereby certify, that in accordance with the authorization of the within license, I did on the 7th day of February, A. D. 1869, at Topeka, in said county, join and unite in Marriage the within named Joseph Lacy and Matilda Deninburg.

Witness my hand and seal this day and year above written.

Thos. Wilson.

Attest:

Lewis Hanback,
Probate Judge.

State of Kansas, }
County of Shawnee. } Office of Probate Judge of said County.

Be it remembered, That on the fifth day of April, A. D. 1873, there was issued from the office of said Probate Judge, a Marriage License, of which the following is a true copy:

—Marriage License:—

Topeka, Shawnee County, State of Kansas,
April 5th, A. D. 1873.

To Any Person Authorized by Law to Perform the Marriage Ceremony

Greeting:

You are hereby authorized to join in Marriage, William Rose of Topeka, Kansas, aged 24 years and Matilda Lacey of Topeka, Kansas, aged 33 years and of this License you will make due return to my office within thirty days.

(Seal) D. C. Metsker, Probate Judge.

And which said Marriage License was afterwards, to wit: on the 30th day of April, 1873, returned to said Probate Judge with the following Certificate endorsed thereon, to wit:
State of Kansas, Shawnee County, SS:—

I, Rev. E. S. Corn, do hereby certify that in accordance with the authorization of the within License, I did on the sixth day of April, A. D. 1873, at Topeka, in said County, join and unite in Marriage the within named William Rose and Matilda Lacey.

Witness my hand and seal this day and year above written.

E. S. Corn.

Attest:

D. C. Metsker,
Probate Judge.

I, W. E. FAGAN, Judge and ex officio Clerk of the Probate Court within and for the County of Shawnee and State of Kansas, do hereby certify that the above and foregoing is a full, true and correct copy of the original marriage license issued by the Probate Judge of this

and to Joseph Lacy and Matilda Denningburg, the original marriage license issued by said Judge to William Rose and Matilda Lacy, and of the original returns endorsed on said license by the persons performing the marriage ceremony as the same appears on file and of record in my office.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Court, at my office in the city of Topeka, this 5th day of April, 1902.

W. B. Fagan, Probate Judge.

(Seal)

Also a certificate which is as follows:

Topeka, Kansas, April 2, 1902.

State of Kansas,
Shawnee County, ss.

F. F. L. Stephens, Reg. of Deeds of above named county and state, do hereby certify that the records of this office show that one Matilda Lacy acquired title to lot No. 252 on Crane Street in Crane's Add. to Topeka, Kansas, from F. L. Crane, on the 21st day of June, 1871, and further show that she disposed of lot No. 252 on Crane Street in Crane's Add. to Topeka, Kansas, to one Matilda Freeman on the 18th day of June, 1874.

Witness my hand and seal of office this 8th day of April, A. D.

1902.

F. F. L. Stephens,

(Seal and stamp)

Reg. of Deeds Shawnee County, State of Kansas

The representatives of the Cherokee Nation offer in evidence a certified copy of marriage license of John J. Howe, of Douglas County, Kansas, to Emma Pe'ard, Douglas County, Kansas, dated June 28, 1867.

COMMISSION: This testimony will be taken with and made a part of the record in the following Cherokee Freedmen cases: D-474, D-511, D-520, D-518, D-521, D-504, D-477, D-516, D-617, D-615, D-632, D-633, and in the case at bar, D-614.

Arthur G. Croninger, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the testimony and proceedings in the above case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Arthur G. Croninger

Subscribed and sworn to before me this 14th day of April, 1902.

Philip S. Renter
Notary Public

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., April 22, 1902.

In the matter of the application of Anna Malone et al for
enrollment as Cherokee Freedmen, P. D. 175.

Applicants represented by J. S. House, Muskogee, I.T.
Cherokee Nation represented by James S. Davenport.

COMMISSION: The representative of the Cherokee Nation makes
satisfactory proof of service that testimony would be introduced
in behalf of the Cherokee Nation on the 22nd day of April, 1902,
at the office of the Commission at Muskogee, Indian Territory.

ELIZABETH DRUM, being first duly sworn, testified as
follows:

MR. DAVENPORT: What is your name? A Elizabeth Drum.

Q Where do you live, Mrs. Drum? A I live near Illinois Station.

Q Cherokee Nation? A In Illinois District, yes, sir.

Q How old are you? A I couldn't tell you just exactly my age, I
don't know; I'm over 70 though.

Q Was you born and raised in the Cherokee Nation? A Yes, sir.

Q Near what place were you raised? A I was born back in the old
country.

Q Did you know Ocie Brown during his lifetime who was a Cherokee
man? A Yes, sir, I knew Ocie Brown.

Q Do you know whether or not he was living when the Civil War
broke out? A He wasn't living, he was dead.

Q Where had he been making his home prior to his death, Mrs. Drum?

A Well, he made his home in Canadian and in the Choctaw Nation.

Q Choctaw Nation? A Yes, sir.

Q Did you know his son Richard Brown? A Yes, sir.

Q Was he living or was he dead at the breaking out of the war?

A He was killed.

Q Where was he at the time he was killed, if you know? A He was
in the Choctaw Nation somewhere.

Q Did he have a home down there at that time? A Yes, sir, I
think so; he married over there.

Q Had married a Choctaw? A Yes, sir, married a Choctaw.

MR. McKEE: I understood you to say, Mrs. Drum, that Mr. Richard
Brown was a Native Cherokee Indian, wasn't he? A He was Cherokee,
yes, sir, he was Cherokee.

Q And he was only an adopted citizen if he was a citizen at all of
the Choctaw Nation, he was adopted? A I don't know; he was married
over there.

Q Well, do you know-- A I don't know but what he was part Choctaw
himself, I don't know about that; he was Ocie's son, I knew that;
but I don't know his mother.

Q Well now what was Mr. Ocie Brown's nationality, what was his
blood? A Cherokee.

Q Then his son Richard would be Cherokee also would he not? A
Yes, sir.

Q Did Mr. Richard Brown ever live in the Cherokee Nation, Mrs. Drum?

A I don't know; I don't know; I don't believe his son ever did,
I don't remember; I guess he did when he was a child.

Q Did you know any of the slaves belonging to the estate of Ocie
Brown? A No, sir.

Q Wasn't acquainted with any of the slaves? A No, sir.

Q Did you know the mother of Richard Brown? A No, sir, I didn't
know her.

Q Did Ocile Brown or his son ever live in the Cherokee Nation, Indian Territory? A Yes, sir, a long time ago.

Q When did he die? A Ocile Brown?

Q Yes. A Well, about four or five years before the war.

Q I say where did he die? A Over the line I think in the Choctaw Nation somewhere.

Q Now I understood you to say a while ago that he lived. Richard Brown lived part of the time in the Cherokee Nation and part of the time in the Choctaw Nation? A I said maybe when he was a child he might have been in the Nation here.

Q That is Richard Brown? A Yes, sir, Ocile's son. I knew he lived in the Choctaw Nation all his life pretty near ever since he got grown man.

Q Did he have any slaves, Richard? A I don't know, I guess they did, a few, two or three.

LEWIS T. BROWN: Did Ocile Brown own any slaves? A Well, I said I guess he did.

Q You don't know any of their names, do you? A No, sir. I don't remember the darkies' names, I know Mr. Brown's son.

Q Was Ocile Brown's wife a citizen of the Choctaw Nation at the beginning of the war? A Ocile Brown's.

Q Yes. A She was a Cherokee lady.

Q Was Ocile Brown's citizenship Choctaw? A Well, I don't know; he lived over there.

Q Well, Richard Brown's wife was a Choctaw, wasn't she? A Yes, sir. MR. McREA: Well you just stated that Ocile Brown's wife was a Cherokee, the mother of Richard Brown, she was a Cherokee? A She wasn't his mother.

Q She wasn't the mother of Richard Brown? A No, sir, Betsy just had one child, a boy, and he's dead now I guess.

Q Well, did you know the mother of Richard Brown? A I told you I didn't know her.

COMMISSIONER: This testimony will be filed with and made a part of the record in the following Cherokee Freedmen cases: D-511, D-518, D-520, D-521, D-522, D-523, D-524, D-525, D-526, D-527, D-528, D-529, D-530, D-531, D-532, D-533, D-534, D-535, D-536, D-537, D-538, D-539, D-540, D-541, D-542, D-543, D-544, D-545, D-546, D-547, D-548, D-549, D-550, D-551, D-552, D-553, D-554, D-555, D-556, D-557, D-558, D-559, D-560, D-561, D-562, D-563, D-564, D-565, D-566, D-567, D-568, D-569, D-570, D-571, D-572, D-573, D-574, D-575, being the case at bar.

Arthur G. Croninger, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the testimony and proceedings in the above case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Arthur G. Croninger

Subscribed and sworn to before me this 25th day of April, 1900.

P. J. Reuter
Notary Public.

To be filed with F. B. 511.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., May, 13, 1902.

In the matter of the application of Elizabeth Maigs for the enrollment of herself as a Cherokee Freedman.

Cherokee Nation appears by W. W. Hastings.
Applicant appears by L. T. Brown.

MRS. LYDIA BARTON, being first duly sworn testified as follows:

MR. HASTINGS: What is your name? A Mrs. Lydia Barton.

Q What is your postoffice? A Fort Scott, Kansas.

Q Do you hold any official position at the present time? A Yes, sir.

Q What is it? A County Clerk.

Q Of the county in which Fort Scott is located? A Yes, sir.

Q Have you an official paper? A Yes, sir.

Q What is it? A Our official paper at the present time is the Republican, but that changes you know from time to time.

Q Do you know what your official paper was in December, 1899, and up to and including March of 1900? A Yes, sir.

Q What was it? A The Fort Scott Monitor.

Q Are you required to keep files of this paper in your office? A We are.

Q Have you a file of the official paper including December, 22, 1899, up to and including March of 1900? A Yes, sir. (Here presents files.)

MR. HASTINGS: The Cherokee Nation offers in evidence the account found in the Fort Scott Monitor of date Wednesday, December, 26, 1899, found on the second column of the editorial page, headed "Another Murder."

MR. BROWN: Comes now the agent for the applicant and objects to the introduction of these newspaper accounts for the reason that they are incompetent, irrelevant and immaterial, and purely hearsay.

COMMISSIONER: The objection will be noted and the newspaper accounts introduced in evidence and considered for what they are worth.

"Another Murder.

Shooting of D. Hayford.

Testimony given before the coroner.

On Saturday night, the 22nd. inst., after dark, Mr. Dyer Hayford, of this city was found murdered. A colored man, named Eli Mackey, has been arrested, and is in jail, charged with the crime. There would not seem to be much, if any, doubt of his guilt. Mr. Hayford, has been a resident of Fort Scott for several years, has kept a grocery and provision store on the corner of Williams and Bigler Streets, and was a very quiet and inoffensive man. The facts of his murder as we learn them, are these.

On Saturday, about dark, the sack of flour which Mr. Hayford had placed on a box, outside the door of his store, was stolen. Being missed almost immediately, and learning that Mackey had taken it, and was then on his way home with it, (Mackey resides near Fort Scott mills,) Mr. Hayford jumped on a horse and started towards the mill. He had not been gone more than twenty or thirty minutes before several shots were fired, on the road between the city and the mills, where Mr. Hayford was found on the ground, in the last agonies of death. He had received four shots from a weapon, evidently a revolver.

Suspicion was at once directed to Mackey and he was arrested. As the news spread through the city, the excitement and the indignation was great, and many threats of lynching Mackey were made; but wiser and better counsels prevailed, and there was no disturbance.

On Sunday, Justice Mayhew was called on to hold a coroner's inquest. A jury was empanelled, consisting of Messrs. C. F. Drake, Joseph Ray, Frank Clough, Foster Williams, Joe. Varden, and P. L. Phillips. The body of Mr. Hayford having removed to his late residence, the jury proceeded to inquire into the cause of his death. We give the principal part of the testimony given before the jury.

Drs. J. S. Redfield and B. F. Herler had a post-mortem examination, and testified that they found four pistol or gun-shot wounds on the body and face of Dyer Hayford, then lying dead before them. One shot entered the region of the stomach which came out over the liver, in the side of the back. This wound bears evidence that the pistol was held close to the body when discharged. The other wounds found on the body were about two inches above the left nipple and about an inch and a half apart; one ball passing through, coming out below the left shoulder, the other ranging downward, and was found close to the spinal column, a few inches below the lower ribs on the left side of the body. The fourth ball entered the upper part of the chin, not fracturing the bone, and lodged in the right shoulder, (evidently fired, we think, after he was on the ground.) The surgeons testified that any of the three wounds found on his body would have been mortal.

Alonso Cullin, (colored) sworn - Was at Hayford's store that evening, just after six o'clock, came on horseback, let his horse at the door, went in and found Hayford alone and coming toward the door. Eli Mackey, colored, was standing on the walk when I went into Hayford's; a sack of flour was standing on the box at the door when I went in; Hayford came out and the flour was gone; he asked me who was there when I came in, and I told him; asked me to get on my horse and follow Mackey and see if he had the flour; did so; rode very fast and overtook Mackey at the mill; going toward the mill; he had stopped and the sack of flour was on the ground beside him; his coat was off and thrown over the flour but the end of the sack was in sight; I rode close to him; he put his hands up to his sides and was blowing right and left; I inquired if he had seen a steer with a rope on his neck; he said no; I rode back toward Hayford's and told him Mackey had the flour and where it was; Hayford said he would go and get the flour, and asked me for my pony; he got on and rode down the road; he had been gone a good while before I heard the firing; he had been gone long enough to ride to the mill and back to the place where he was shot, before I heard the firing. When I saw Mackey at Hayford's he had on a soldier's coat; it was off when I found him with the flour. Didn't notice that at any time whether Mackey had any arms or weapons with him; saw him again after he was arrested, a short time after Hayford was killed; he then had a different coat. He asked what he was arrested for; he was told, for stealing flour; he asked who had seen him with the flour; he was then told he had shot Hayford, and he said he had nothing to shoot with. I know that he generally carried a revolver; when I saw him with the flour I didn't notice whether he had one or not. When Hayford started from the store, he said he would go and get Mr. Myers to go with him to get the flour from the place where I saw Mackey with the flour to that where Hayford was shot, is about one hundred yards. I heard three shots distinctly.

Harry Lender, (colored) sworn - Saturday evening heard several shots fired. Was at home, lived near the mill close by Eli Mackey. About twenty minutes after the shots were fired Mackey came to my door; asked me if his wife was there; told him no. He seemed to be in a hurry. He had on a black soldier's coat; the shooting sounded as if it was south from my house, and about the place where Hayford was found; someone rode down to Mackey's and returned about fifteen minutes, before the shots were fired. Saw the coat which Mackey wore when he came to my house, at his house afterward. - Do not know whether he had any revolver then or not; he usually carries one; have seen him have one several times. I did not notice any flour on his coat. It was a navy revolver which Mackey usually carried. He also owns a gun; didn't see that at his house that night. When Mackey left my house he went to his house, and soon afterward heard him going back to town whistling. Mr. Jones found the sack of flour at the edge of the creek; looked as if thrown down the bank. Was found about twenty yards from Mackey's house. Saw Mackey have a revolver on Friday the day before Hayford was killed.

E. O. H. Myers, sworn - I live about 100 yards west of Eli Mackey's. Saturday night was at home sick abed; a man came to my house and inquired for me; I heard him and knew by his voice that it was Mr. Hayford; have known him several years. He left and my wife said he rode in a northerly direction, that is the way from my house to Mackey's. About five minutes after he left I heard four distinct shots. From the sound thought they were about 150 yards off and southwest from my house. After the firing heard someone walking past; whistling; he was going towards town.

Stephen Looney, (col.) sworn - After dark Saturday night I saw Eli Mackey at Smith's saloon. He asked me to play cards with him that night. He went out and I told him not to stay long. I waited a good bit and Mackey didn't come back and I went out and called him; he didn't answer; I then went over to Hayford's and learned that a sack of flour had been stolen. Didn't notice whether Hayford was there or not. Alonso Dulish told me he saw Mackey on the road towards home, and that Mackey heard me call, but wouldn't answer. Didn't see Mackey again until Mr. Jones had arrested him, and brought him up to town. When I saw Mackey at Smith's he had on a soldier's frock coat; he had a revolver on him then; it was a big navy revolver. When I saw him after he was arrested, I think he had on a different coat.

Daniel S. Neil, sworn - Saturday night I was at Kirby's and heard a shot fired, and soon after heard a man halloo; run out and another shot was fired before I got out; immediately after heard another shot and saw the flash of a pistol down in the bottom toward the mill. Alex Harris, Westly Dickey and myself run down the road. We found a man lying on his side; his face was turned downward; he was alive but could not speak. From the sound I know it was a pistol that was fired. Came to town to find Mr. Jones, Deputy Marshal.

The coroner's jury returned to the justice their inquisition, stating that Dyer Hayford came to his death by gun-shot wounds received at the hands of Eli Mackey; they also found that Mackey had feloniously and wilfully fired the revolver at Mr. Hayford with intent to kill him.

Mackey will have his examination soon, before Justice Mangrove, and will no doubt be committed for trial at the next April term of the district court. Mackey is said to be a very dangerous man; he was raised in the Cherokee Nation, and is said to be part Cherokee. He is also accused of having assassinated two men in the Nation, before he came to Fort Scott.

and he was once before arrested here, for shooting at a man; but before his trial came off the prosecuting witness left for parts unknown, and Mackey was discharged without trial. Let him be tried for the offence with which he now stands charged, and if guilty he should expiate his crime on the gallows."

MR. HASTINGS: I desire to introduce an editorial from the Fort Scott Monitor of date February, 27, 1867, as follows:

"Eli Mackey, colored, accused of the murder of Dyer Hayford, confined in our jail, to await his trial at the next term of the District Court, for murder in the first degree, escaped last evening, and up to the time of going to press this morning, has not been heard of. A reward of two hundred dollars is offered for his apprehension."

MR. HASTINGS: The Cherokee Nation offers in evidence the following from the Fort Scott Monitor of Wednesday, March 27, 1867:

"A Chapter of Horrors.

Murderer of Hayford Captured and Hung.

Tragic events connected with the affair.

The history of our community for the past week is replete with horrors, such as will, for long days to come, overshadow the hearts of our citizens with gloom.

A few weeks ago, we published an account of the escape of Eli Mackey, the black fiend, who last winter murdered Dyer Hayford. Ever since that time the officers of justice have been on the alert with a view of his recapture, and on Wednesday, the 20th inst., Deputy Sheriff Wheaton, having learned that the murderer was concealed in his brother's house, about five miles northeast of this city, started, in company with his son, Charles T. Wheaton, Edward Coe - who were on police duty in this city - and Benj. Files, for the purpose of capturing him.

On arriving at the house, Messrs. Coe and Wheaton, Jr., approached and ordered the wretch to surrender. In return he fired several shots through the partially open door, and then ran out of the house into the open prairie. Coe, being nearest, received the first shots that were fired. He stepped to the corner of the house, sat down and expired in about fifteen minutes. Immediately after Charley Wheaton received a ball in the right side and fell to the ground. For some time no hope was entertained for his recovery; but at the present writing his condition is improved, and his friends entertain some hopes that he will live.

In the mean time a number of the neighbors had gone around and headed by Capt. Curtis Johnson, Mr. Files and Mr. Dickinson started in pursuit. The murderer, with a gun and revolver in his hands, ran fleetly across the prairie, firing at his pursuers as he ran, and dropping down to load as fast as his weapon became empty. Finally, when nearly dead from the wounds he received from his pursuers, he signified his readiness to surrender; but even after they approached him his bloodthirsty spirit was not satisfied, and he fired the two remaining shots in his revolver at the crowd. Fortunately, no one was injured, though Mr. Dickinson had part of his coat shot off. After the murderer was secured he was taken back to the house from which he had fled and hung by the neck until he was dead. Before his death he tried to implicate an innocent negro in the murder of Mr. Hayford, but having been caught in the falsehood, he confessed to having committed the deed himself. He also confessed to having killed five other men, and also to having shot at Major Mefford last winter. - All reports indicate that he has always been a character with scarcely a parallel in the annals of history for desperation

and bloodthirstiness. - We are informed that at one time, in the Cherokee Nation, 25 men attempted to arrest him but failed on account of his desperation. The colored people, who knew him, were terrible afraid of him. History has seldom presented a character so utterly lost even to every sentiment of humanity.

As a general rule, we have always depreciated the taking of life except by due process of law, as dangerous to the peace and quiet of the community and to the best interests of society. We have always found that nothing but the most extreme necessity would justify it, but we believe in this instance that necessity existed; for every moment this desperado was allowed to live, endangered the lives of good citizens. We learn that the house he occupied was since burned to the ground. The sufferers from their attempt to arrest him, were among the best of our young men. As members of the police force of this city they have performed their duties faithfully. Generous and brave to a fault, the death of one and the danger to the other creates a spirit of sadness that cannot soon be eradicated.

The body of Mr. Coe was brought into the city, and on Friday after a funeral sermon by Mr. Irwin was escorted by a large procession, headed by the members of the Grand Army of the Republic, to the cemetery where it was interred.

Sequel.

On Thursday night a crowd of about fifty men, still laboring under the excitement growing out of the tragedy of Wednesday, entered the jail and having possessed themselves of the keys took Jackson Mackey and Harry Vann - on the brother who harbored the murderer and the other charged with furnishing provisions and aiding in his concealment, to the ravine near the poorhouse and hung them to a tree where their lifeless bodies were found next morning. So quietly was this done that few in the city except those who participated knew of it until the next morning.

Benjamin Files, being first duly sworn, testified as follows:

MR. HASTINGS: What's your name? A Benjamin Files.

Q What is your postoffice? A Fort Scott.

Q Kansas? A Kansas, yes, sir.

Q Were you living there at the close of the war? A Yes, sir.

Q Were you living there in '66, December? A I have lived there ever since '62.

Q Did you know Dyer Hayford? A Yes, sir.

Q Had you known him before December '66. A Yes sir, I had known him in the neighborhood of two years before that and knew him up until that time.

Q Was he killed? A He was killed at Fort Scott.

Q Was he killed in the town? A He was killed just at the brink of the hill along in the mouth; yes, sir he was killed in the city just about the brink of the hill.

Q About what time of the day was he killed? A He was killed just after dark, just dark.

Q Do you know who killed him, who was said to have killed him, who was accused of killing him? A Yes, sir.

Q Who? A Eli Mackey.

Q Was he a colored man? A Yes sir, he was.

Q Did you assist in his arrest? Yes, sir.

Q Who arrested him? Myself and a man we called Deacon Jones.

- Q That this other man here with you? A Yes, sir.
- Q About how long after this reported killing? A I heard the shots fired, then run down there and run over him; I lit a match and this man drew his breath twice. from the time the shots fired I wouldn't it was more than twenty minutes.
- Q Twenty minutes? A Yes, sir.
- Q Had it become generally known at the time of the arrest? A No, sir.
- Q There was no time for the public to know? A Only a few people knew; I heard the shots fired myself and run down there.
- Q And a few people knew that the killing had taken place before he was arrested? A Yes, sir.
- Q And the excitement then, was that after that? A Yes, sir, they didn't have time to know it.
- Q Was he put in jail? A Yes, sir.
- Q You remember how long he remained in jail? A Till about the twentieth, sometime in February, 26th I think it was.
- Q Of February following, of '87? A Yes, sir.
- Q Well did he make his escape? A He got away.
- Q He got away? A Yes, sir, he got past the turnkey, Ed Coe.
- Q Ed Coe was the turnkey was he? A Yes, sir.
- Q I will ask you then if there was any searching parties out for this man? Yes, sir.
- Q For how long? I think he was killed on the 20th of March.
- Q From then about the 26th of February until the 20th of March people looked for him, a reward offered for him? Yes, sir, some three hundred dollars I believe.
- Q Well were there quite a number of people out searching for him? A Yes, sir.
- Q Considerable excitement at that time? A Yes, sir.
- Q Did people go out in the country looking for him? A Yes, sir, and searched houses and searched lands, they looked around for him, but failed to find him.
- Q Up until that time? Yes, sir.
- Q You say that was for about three weeks? A Yes, sir, something over three weeks.
- Q From the 26th of February up until about the 20th of March? A Yes, sir.
- Q Do you know whether this Eli Mackey was reputed to be a Cherokee or not? A Yes, sir, he was.
- Q I believe there was a newspaper account to the effect that when he was captured he was hung up there? A He was killed, yes, sir.
- Q That I want to get particularly from you was whether there was any search made for him at the time he was killed or whether search was made for him after his escape, after the 26th of February? A There was no search made for Mackey until he broke jail.
- Q No houses searched, nor no wagons, nor no nothing when he was first captured? A He was in jail. I don't think it was much over a half an hour, I don't think it was any; he was in jail in not much over half an hour after he shot Hayford; I heard the shot that killed Hayford.
- Q And you helped to arrest him? Yes, sir, I got to Hayford before he died, but he was too far gone; I lit a match and he was too far gone to speak.
- Q You had known Hayford prior to that time? A Yes, sir, him and me was friends.
- Q You was a friend of his? A Yes, sir.

H. C. Jones, being first duly sworn, testified as follows:

MR. HASTINGS: What is your name? A H. C. Jones.

Q What is your postoffice? A Fort Scott.

Q Kansas? A Kansas, yes, sir.

Q What is your age, please sir? A 66.

Q Were you holding any office in the town of Fort Scott, Kansas, in December of '68? A I was.

Q Well were you holding any office at the time a man by the name of Hayford was killed by Eli Mackey? A I was.

Q What office was that? A City marshal, called town constable.

Q You was a city policeman? A Yes, sir.

Q Did you assist in his first arrest? A I did.

Q Who assisted you in the arrest? A Mr. Benjamin Files.

Q This man that's present here? A Yes, sir.

Q Did you hear the shots that killed Hayford? A I did.

Q How soon after Hayford was killed was Mackey arrested, Eli Mackey?

A 20 or 25 minutes, inside of a half hour at most.

Q Very short time? A Yes, sir.

Q Had any houses or wagons or anything of that kind been searched in the mean time? A No, sir, there was no knowledge.

Q People didn't generally know it up to that time? A No, sir.

Q Put in jail then? A He was taken right to the jail as soon as he was arrested, he was hurried off to jail for fear of any mob violence.

Q Well how long did he remain in jail, do you remember? A Why I think something like six weeks or more.

Q Well the Fort Scott Monitor puts it about February 26th? A I presume that was right, it was correct. It was hard for me to remember exactly.

Q Well he remained in jail up to that time? A Up till that time, he was not out of jail except while he was under guard.

Q He made his escape then? A He made his escape, yes, sir, at the time.

Q You know how long he was at large? A Well I put it something like three weeks.

Q I will ask you if there was any searches at that time made for him?

A You mean after?

Q When he got away after February 26th? A Oh yes, sir, there was considerable hunt for him at that time.

Q Reward offered for him? A Yes, sir, reward offered.

Q People searched around in the country for him? A There was quite a number of both officials and independent searches, they would search for him for the first couple of weeks of his escape from there.

Q He was afterwards captured was he? A Yes, sir, he was located afterwards, he hadn't been out of a radius of probably ten miles from there after he got away, he was captured.

Q Do you know whether this Eli Mackey was reputed to be a Cherokee colored man? A He was called a Cherokee refugee, yes, sir, had the reputation, that is his name, of being a Cherokee nigger.

COMMISSIONER: You are positive about these dates? A To the best of my knowledge now, I would have put it, that is, a week before the holidays, and I knew it was only a few days before Christmas when the killing was done.

Q '67? A In '66 the killing was done.

Q Few days before Christmas of '66? A Yes, sir.

MR. HASTINGS: The Cherokee Nation asks that all the testimony introduced in the case of Aaron Webber, D-218, with reference to the return of the Webber detachment, be introduced and made a part of the record in this case.

MR. BROWN: Comes now the agent for the applicant and moves the Commission to strike from the records of this case all the testimony taken on this day, for the reason that it is immaterial, irrelevant, immaterial and not the best evidence. It being so, may I say,

COMMISSION: The request of the representative of the Cherokee Nation will be complied with, and the testimony filed. This testimony will be filed with and made a part of the record in the following Cherokee Freedmen cases: No. D-394, D-395, D-396, D-401, D-402, D-403, D-404, D-407, D-476, and in D-391, the same being the case at bar.

Arthur G. Croninger, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the testimony and proceedings in the above case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) Arthur G. Croninger.

Subscribed and sworn to before me this 14th day of May, 1902.

(Seal)

(Signed) Philip D. Foster

Notary Public

I, Arthur B. Evans, a stenographer to the Commission to the Five Civilized Tribes, on oath, state that the above and foregoing is a true and perfect copy of the original now on file with the Commission, as the same was made by me.

Arthur B. Evans

Subscribed and sworn to before me this 14th day of May, 1902.

Philip D. Foster
Notary Public

appearing and sworn to before me the 28th day of Feb, 1905.

(P. 11)

and notes thereof. The said college president of the college named in the testimony was appointed in the above case, and appeared before the commission to the five qualified judges to examine the witnesses, being first duly sworn, after which he

testified as follows.

On the exhibition in the above named cases are introduced in D-211. If introduced from the records of the Commission first 211 George H. Ross, D-210, and George H. Duffin, the case of Ross, D-210, D-208, after Ross, D-204, Thomas Duffin, D-209, of the records in the following country (written cases: state of commission; the testimony will be filed with the judge & left

there is not a fact. A true, true, so.

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working on that testimony. A No, sir.

The other nation, and that the judge went back to there in 1905.

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while the judge was working on the testimony in the case of Ross, D-210, D-208, after Ross, D-204, Thomas Duffin, D-209, of the records in the following country (written cases: state of commission; the testimony will be filed with the judge & left

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T. Hall.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., May 12, 1902.

In the matter of the application of George B. Duffin for the enrollment of himself as a Cherokee freedman.

APPEARANCES:

Mollette & Smith for applicant.

W. W. Hastings for the Cherokee Nation.

J. M. Johnson, being first duly sworn, testified as follows:

MR. HASTINGS: What is your name? A J. M. Johnson.

Q Postoffice is Garnett, Kansas? A Garnett, Kansas.

Q Age is 50? A 50.

Q You have been a resident of Garnett since '90? A Yes, sir.

Q Did you know a colored man up there by the name of Nathan Duffin? A I did, yes, sir.

Q Did you know his family? A I did, that is part of it, boy.

Q Did you know what Nathan did, what occupation? A Yes, sir.

Q What was it? A He was a preacher.

Q Did you know any of his boys? A Yes, sir, I know George, and Joshua I think the other one's name was.

Q Where did they live when you knew them? A They lived about two miles and a half of Garnett.

Q Two miles and a half of Garnett? A Yes, sir.

Q Well now how long did they continue to live there? A They lived there until - they were there in the year '70, and I don't know just what time they left.

Q They left sometime after that? A They left after that, yes, sir.

Q Did you see them frequently? A Yes, sir, I worked with him on the railroad in '70.

Q What railroad was that? A The Santa Fe, then at that time was L. L. & C.

Q Do you know they were there when that railroad was built? A Yes, sir, they were hauling ties.

Q And that is why you fix that date? A Yes, sir.

Q Well did they live there from the time when you first knew them up to that time? A Yes, sir.

MR. SMITH: When was it you first knew them? A In '70.

Q Who did you first become acquainted with? A The old gentleman.

Q What year was it when you first knew George Duffin? A The same year.

Q What time of the year did you become acquainted with George? A Sometime about the spring of the year, I think.

Q Well when did you first become acquainted then with the old man? A Now I don't think - I think it was in the spring of '70.

Q Well how long a time had elapsed between the time you first knew the old man until you knew the other? A Only a short time.

Q Well about how long? A Probably not more than a week or ten days.

Q How old was George at that time? A I couldn't say: he was about my age, I think a little older.

Q What was the old man's name? A Nathan, yes, sir, that's what we called all of them.

Q He was a preacher, the old man? A Yes, sir.

Q What was George? A He worked around on the farm, him and the other boy.

Q They wasn't preachers was they? A No, sir, they were working out, hauling, teaming around, and farming.

Q How far did he live from you, old man Nathan? A Well part of the time he lived in a half a mile from Garnett and part of the time about two miles and a half.

Q From you? A Yes, sir.
Q Well did you remain all of the year of '85 in Kansas, in Garnett?
A Yes, sir.
Q Were you there all the year of '86? A Yes, sir.
Q '87? A Yes, sir.
Q '88? A Yes, sir.
Q '89 and '90? A Not all the time in '90.
Q Well what were you doing in Garnett in the same year of '85 to '87? A Well in the winter time I was in school; during the summer months I was working around the farm.
Q What farm, where was your farm? A I was farming for Spriggs and in '89 I was working on the railroad.
Q When did you last see George Duffin? A We were working on the railroad I think in '90, spring of '90.
Q 32 years ago? A Yes, sir.
Q Well where was old man Duffin at the time George was working on the railroad? A I think he was living up there in the county, up on the farm.
Q Well are you sure about that? A Not positively, no, sir.
Q Was he in that county? A Yes, sir.
Q You are sure of that? A Yes, sir.
Q Well if he wasn't living up there on that farm where else was he in that county? A He might have been living over there on Mandovia, an addition to the city of Garnett.
Q You swear that he was in Franklin county, Kansas, old man Nathan Duffin, at the time those boys were working on the railroad? A In Franklin County, yes, sir.
Q Then what county? A Anderson county.
Q Anderson county, Kansas? A Yes, sir.
Q You are sure about that? A No, sir, I am not so positive sure about that.
Q Well if you are not sure about it why do you state it? A The family left there together.
Q Well now what do you say; was he in Anderson county, Kansas, while the boys were working on the railroad or not? A He was.
Q You are just as positive about that as you are to anything else that you testify to? A Yes, sir.
Q Now as a matter of fact don't you know that old man Duffin and the boys both had come away from there and were down here in the Cherokee Nation, and that the boys went back up there in '90 and worked on that railroad? A No, sir.
Q That is not a fact? A That isn't so.

COMMISSION: This testimony will be filed with and made a part of the record in the following doubtful freedmen cases: Sarah Moss et al, D-508, Eliza Keys, D-507, Joshua Duffin, D-509, George N. Moss, D-510, and George B. Duffin, the case at bar, D-511. It appears from the records of this Commission that all of the applicants in the above named cases are represented by Mellette & Smith.

Arthur G. Croninger, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the testimony and proceedings in the above case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 28th day of May, 1902.

Arthur G. Croninger

J. R. Kistler
Notary Public.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, T. T., May 20, 1902.

In the matter of the application of Edward Wright for the enrollment of himself as a Cherokee Freedmen.

APPEARANCES:

Ben J. Scoville representing E. B. Lawson, for applicant.
W. W. Hastings, for Cherokee Nation.

COMMISSION: The Cherokee Nation, by its representative, makes satisfactory proof of service on the applicant's attorney that it would, on the 20th day of May, 1902 introduce testimony tending to disprove the right of the said Edward Wright to enrollment as a Cherokee Freedmen. The applicant this day appears by his attorney, E. B. Lawson, who is represented by Ben J. Scoville, Nowata, Indian Territory.

MR. HASTINGS: The Cherokee Nation offers in evidence a decision of the Chambers Commission on Citizenship as found on page 55 of a book taken from the records of the Executive Department of the Cherokee Nation entitled, "Docket of the Chambers com'n on Citizenship," as follows

"No. 85 Edward Wright
vs
Cherokee Nation. (Ex. 7th of June.
(Answer filed.

Judgment against claimant June 27, 1879."

The Cherokee Nation also offers in evidence from the same record as above page 57 of the same, the following:

"No. 89. Major Wright
vs
Cherokee Nation. (Ex. June 7th. Statement filed
on the 26 of June.
1st July set, 1st Aug.
set for trial.
Judgment against claimant June 27th, 1879."

The Cherokee Nation offers in evidence the application made for citizenship in the Cherokee Nation by Lewis Whitman on the 26th day of June, 1878, as found on pages 164 and 5 of book B, entitled, "Citizenship record 1874," as follows:

"Before the Commission sitting at Tahlequah to rey claims to Cherokee citizenship.

The undersigned claimant in the case of
Lewis Whitman

vs

Cherokee Nation

respectfully presents the following statement of his claim according to the requirement of the Commission.

Claimant claims under classification five of claimants in the law creating this Commission, that is, as a colored person formerly a slave owned by a citizen and resident of the Nation at the

beginning of the late war, freed by law and made a citizen of this Nation by provision of the treaty of 1866. For

claimant was at the time and place above said owned by George Whitmire, a Cherokee citizen; left the country during the war and returned in the summer of 1866 to select and prepare a home for his family (they then being without one) and again the following year prosecuting the work on his circumstances and the condition of the country at that time provided and leaving his family in the intervals of time when they would subsist without discomfort and exposure and until a removal of the war was practicable which removal of claimant's family was accomplished to the point of the Nation settled by claimant for theirs and his home in the spring of 1867.

Claimant's rights have been called in question by consistent authority, and no therefore presents them to the important examination of this Commission as are authorized to do by law.
This June 26, 1878.

Lewis Whitmire,
By W. F. Boudinot, Atty."

The Cherokee Nation offers the following from the same book and continuing on the same page, the application of Moses Whitmire as follows:

"Before the Honorable Commission sitting at Tahlequah to try rights to Cherokee citizenship.

In case of Moses Whitmire
vs

Cherokee Nation,
claiming Cherokee citizenship.
Claimant claims under the fifth specification of the classes of claimants to citizenship as found in the law creating this Commission, to wit as a colored person formerly a slave owned by one George Whitmire, Cherokee citizen, resident of this Nation, at the beginning of the late war, and freed by law and made a citizen by provision of the treaty of 1866. Claimant respectfully refers to the statement by claimant Lewis Whitmire embracing the facts which the present claimant would submit to the Commission as the grounds of his claim.

Respectfully submitted,
Moses Whitmire.

June 26, 1878.
By W. F. Boudinot, Atty."

The Cherokee Nation offers in evidence from a book taken from the Executive Department of the Cherokee Nation entitled, "Register of evidence before court of Commission Cherokee Court, Book A," page 239, case No. 60, as follows:

"Case 60.

Aaron Whitmire)
vs) Tahlequah,
Cherokee Nation.) July 3, 1878.

Mike yields a witness for claimant called and sworn.
I am I think I am about 47 years old. I live in Illinois District, C. N. Am a citizen of the Nation. I have been on the Campbell roll but had my rights proven up before the Supreme Court.

Am a citizen under the treaty of 1865. I went north to the state of Kansas in '62. I returned in August -- 31st or 32nd, 1866. I left my family in Fort Scott when I came. I came down to get me a claim. I staid about three weeks that time, and then returned to Fort Scott. After I returned to Fort Scott there were others who started down, the Whitmires were of that number. The claimant was one of them. They came down in Decr. 1866. They returned to Fort Scott before I left there. I left Kansas about the 2nd week in January, 1867 and got to the crossing of the Neosho river about the last of January. When I first came down there was about 15 in the party. They left their families in Kansas when they came down here. There was some of party come with the Whitmires who piloted the Whitmire party and my party were Sam Webber, Mike Daniels, Sam Webber, Jr., Aaron Webber, Reubin Sanders, Tuck Sanders.

The Whitmire proper were Aaron, Lewis, Mosco, Dennis and Nelson Whitmire and others that I do not recollect. The object of this party coming was for the purpose of creating homes. When I moved with my family I stopped on Pryors Creek at Mrs. Alberty's and remained about two weeks. The reason we left that part of the country was because that part of the country was too sparsely settled and bare of subsistence. As I was coming down the first time we were overtaken by the Horokee Delegation. They were some who come here were authorized by others to locate claims for them, one was by MeKey requesting Abe Fields to locate for him. The original request filed.

Cross Examined.

I can not remember the date I arrived here the first time from Kansas. The claim we made I got three sets of house logs, hauled them and piled them up, and some of the men put up houses, I did not put up a house. I started back to Kansas about the middle of September. When I first left the country it was in February, 1862. I was a slave before the war and was owned by Sam Taylor when the war broke out. He was living on Greenleaf near Gushy Mountain on this side of Arks. River. When the Whitmires returned to Fort Scott I do not know when they left there to come to this country as I left them there when I left. It was reported when they returned to the Nation that the Whitmire party had built houses. But I do not know this myself as I was not along. I only heard they had. The war closed in 1865 I think. I did not know it myself but people told me who could read.

I do not know myself that it was the month of Aug. When I come here first, but I was told it was that time.

Re Direct.

It was the December following the time I first came down that the Whitmires come down first to select and improve claims.

Nick A. Fields.

his m.

Aaron Whitmire)
vs)
Cherokee Nation.)
called and sworn.)

August 1, 1878.

Bluford Alberty, witness for claimant,

I reside in Coconoescoowee District, Co. N. I am a native Cherokee citizen. I left the Nation during the war. I returned to the Nation on the west side of Grand River. Coconoescoowee District.

on the 3rd of September, 1866. I had occasion here time in the last of Oct., or the first of Nov, or probably it might have been as late as the middle of November, to go to the Virginia. While out there I fell in with a party of seven or eight persons who were camped with others near San Camanche. I did not go to the camp. They were colored people. I knew most of them. Their names were old Sam Webber, Aaron Whitmire, and a younger brother and Lewis Whitmire.

There was another person whom I was told had a landman. I do not recollect any of the others and can not identify them. The Whitmires were John and George Whitmire, Aaron, Lewis and his mother belonged to George. In conversation with Sam Webber he asked me if I knew anything about the treaty and if Jim McDaniel had got home. I told him I had not seen the treaty but had heard rumors about it. He told me they had come to pick themselves holes or make claims and that he was the leader of the company and the reason why Major Wright did not come was that he was an old man, but that he had sent his boy down to work for him and make him a claim. He then asked what chances there was to get provisions over on the river. I told him there was none there, but that there was a lot of condemned flour at Gibson and if they would go there they would get some. He also represented that they had come down to make claims for others, who had remained in Kansas, to build them homes and so forth. They also stated that they were notified to come, and that they had accordingly come to make claims for themselves and the others that they left behind in Kansas. As near as I can recollect it was some time in October or November that I saw these parties. I was not very cold weather at the time. I recollect as I camped out at night, did not see any of these parties after this 1st, May, 1867. There was no provisions to be had in this country at that time. Provisions were very scarce. It was my understanding that they had come to prepare for themselves and families. They told me so at least. Major Wright belonged to Cornelius Wright before the war.

Cross Examined.

I heard after this some of them went back to Kansas. At the time I saw them I do not know whether their families were with them. I think I saw Dennis Whitmire with this party, but am not certain of seeing Dennis or Nelson. I know there was four of the Whitmire boys. They were owned in the Nation and resided here up to the breaking out of the war.

B. W. Alberty.

Aaron Whitmire

vs

Cherokee Nation.

I know Melissa Ratliff. She was twelve or thirteen years old at the close of the war.

She was living with her mother and still lives in my family. Jack Landrum was one of the band above referred to, also Panson Daniels. I learned from our leaders Uncle Mike and Sam Webber that the Cherokee delegates advised us to settle in a compact body on unoccupied lands. We crossed the Neosho in coming down at Holman's Ferry in 1866. The chief Tompkins who crossed us was Bill Martin.

While on Lightning Creek in 1866 I saw Mr. Alberty but had no conversation with him, but Sam Webber had in my presence.

Cross Examined.

I am a claimant before this court for citizenship. I am a half-brother of Aaron Whitmire, Louis, Dennis and Nelson are also my brothers. Mariah Whitmire is my sister. Major Wright is my stepfather. The names of the party that come with me to the Nation are as follows: Mike Sanders, Sam Webber, Peter Heigs, Bill Foreman, Tuck Sanders, Ransom Daniels, Sam Webber, Jr., Louis Whitmire, Nelson Whitmire, Dennis Whitmire, Aaron Whitmire, is all I can recollect now. Witness and my brother were authorized to make claims for others still back in Kansas. Dennis made a claim for Major Wright. I can't name any others. Witness was a man of family in 1866 when we came on from Kansas. My family was at Fort Scott. Melissa Ratliff, Ed Wright, and my wife and myself composed my family. Louis had no family. Aaron and Nelson did. Major, Sam, Nelson and Allen were Aaron's children and his wife, Sarah. They were left, the wife and children in Fort Scott when we came in 1866. Eliza Sanders, Thos. Sanders were Nelson's family and back at Fort Scott. We went back 1st January 1866 to Kansas after coming to the Nation. Then witness returned in 1867 to the Nation Aaron, Louis, Nelson, Dennis, Ransom Daniels, Tuck Sanders, Peter Heigs and the families of those who had families all come as I did besides others not particularly remembered. This was the first time any of our families had been to the Nation, at least mine, Aaron's and Nelson's.

The first time Mariah Whitmire was in the Nation after the war closed was after our parties returned in families in 1867.

The first time Major Wright returned was on our first trip in 1867. Melissa Ratliff was owned by one Alec Ratliff at breaking out of war. She first came in March 1867. Jack Landrum was along in 1866. He was a slave at the beginning of the war. I was present during the examination of Mr. Alberty as a witness in this case.

Re Direct.

Mariah's family at the close of the war was a separate family. Harry Whitmire, her son, represented his father on the first trip in 1866. Witness is about 53 yrs. old. Major Wright was an old man at the close of the war. Louis Whitmire had been back to the Nation before 1866.

Attest

D. L. Nicholson,
Clerk.

Moses Whitmire,
mark.

Case 63.

| | | |
|-------------------------|---|-----------------------|
| Aaron Whitmire & family |) | |
| vs |) | claiming citizenship. |
| Cherokee Nation. |) | |

Now comes claimant by Atty before the Commission sitting at Tahlequah to try certain claims for citizenship in the Cherokee Nation and makes this his statement of his grounds for said claim to wit-

Claimant is a colored person and claims as aforesaid under privilege of the fifth specification of the classes of claims preferred by law to the Commission to examine and decide rights by competent authority having been denied citizens.

Claimant belonged to Geo. Whitmire a Cherokee citizen at the commencement of the war of the rebellion and was then living in this

Nation. After the beginning of said war claimant moved to or the vicinity of Fort Scott with his family at which location he resided until the summer of 1866 when he returned to this Nation and proceeded to select and improve a home on the Verdigris River for himself and family's permanent residence. While he was thus making preparations for the removal of his family by providing for their habitation and subsistence at the place mentioned they his family remained where they had been sojourning during the war.

Claimant was compelled by unfavorable circumstances and the attention he was obliged to bestow upon his family to remit his work upon his improvement on Verdigris River from the early fall of 1866 to the early winter of the same year, when he resumed labor upon his improvement, after which he removed his family as soon as practicable to wit in the spring of the year of 1867.

Claimant claims to have returned to this Nation in his own person and as representative of his family within the time provided for by treaty, in that having no residence to come to as other former citizens he did everything possible to constitute a return consistent with the duty he owed to his family by laboring as far as his means allowed to provide a home in this Nation.

Respectfully submitted,

Aaron Whitmire,

By Atty Wm. P. Foudinot.

Aaron Whitmire

vs

Cherokee Nation.

August 1st, 1878.

Wm. Martin, witness for claimant, called and sworn.

I live on Big Creek, Cooweesawowee, C. N. Am a citizen of the Nation. From August up to Christmas 1866 I was at the ferry on the Neesho River on the old military road leading from Fort Scott, Kansas to Fort Gibson, C. N. Am acquainted with claimant and his brother, Lewis, never knew Aaron until I meet him at the river. Lewis I knew prior to that time. While I was in charge of the ferry I recollect having meet claimant and Mose, Lewis, Dennis and Nelson, Whitmire, Peter Meigs, Mike Sanders, Sam Webber, and Young Sam, Bill Foreman and others but I do not recollect anything about Lem. They were traveling. They stated they were coming from Fort Scott, Kansas, they were traveling from the direction of Fort Scott. I crossed them from the Shawnee side of the River into the Cherokee Nation, they inquired he road to Big Creek. McLean gave them the directions to the head of Big Creek. They stated the reason why they were coming was that the Cherokee Delegation had invited them to come back under the treaty. They mentioned Jim McDonald as the principal one who had invited them and they were then on their way to select themselves homes.

It was after the Delegation returned that I meet claimant and the others spoken of it was pretty cold weather when I crossed them. It was as near as I can recollect about the last of October, 1866. I am positive it was before Christmas at I left them at Christmas or probably a few days before Christmas.

Cross Examined.

I was not acquainted with the claimant nor any of the others named previous to the war.

I do not know who owned before the war. I do not know whether they had lived in the Nation previous to the war. I do not recollect of seeing any of the families of the parties named at the time,

I crossed them over the river. I set some of this same party back over the river a short time after they had come in, Lewis, Nelson and Dennis Whitmire and little Sam Webber and I think they were more who crossed back but I can not place them now. I learned the names of the parties from conversation with them, but did not become particularly acquainted with their names at that time. I think there was one woman with the party, I think she was little Sam Webber though I would not be right positive that there was a woman along or not. I was positive there was no children as I never seen any. They had camped there long enough that were they any women and children I would have known it. The next time I saw claimant was in the fall of 1867 on Big Creek. I learned from them that they had got there in March 1867. I know this from having heard it generally talked amongst themselves.

Re Direct.

At the present time the distance between our two settlements is about 5 miles. I recognize the claimant and the other parties spoken of. I have been there frequently since that time, I set them over the river. When I saw them in the fall of 1867 they had their families with them then. The means of subsistence at the time I crossed in the country at that time was short.

William Martin.

Aaron Whitmire
vs
Cherokee Nation.

July 4th 1873.

Wm. McGracken for Claimant.

Witness met claimant near Fort Gibson in Novr. or Decr. 1866. Met him at the ferryboat on Grand River.

Witness had a conversation with claimant at the ferry in which claimant said he was on his way to Going Snake his former home in the Nation and seven of claimant's brothers were behind on the road.

Witness is a citizen of this Nation and knew claimant before the war.

Attest:

Wm. McGracken.

D. L. Nicholson, Clerk.

Aaron Whitmire
vs
Cherokee Nation.

Bluford Alberty.

George Whitmire before the war lived in Going Snake Dist. This Dist. borders on the line of the state of Arks.

Claimant now resides near the western line of the Cherokee Nation. The settlement before the war was sparse where claimant now resides. I would say the distance from where George Whitmire resided prior to the war, and claimant's present residence is 90 or 100 miles. Witness states that he had a conversation with Sam Webber in which Webber assigned as a reason for settling where he had was that Agent Jones advised the colored people after their freedom to settle in colonies or as thickly as it was convenient to do in an unoccupied part of the country.

This was thought best for the colored man as they could have their own schools &c until matters were more regulated in the country.

The first conversation was in the fall of 1866. The second conversation was in the spring of 1867. I saw several of their families in May, 1867 on Big Creek or Lightning Creek in the Nation.

The hope of claimant is in the same locality as that at the time mentioned above. In October, 1861, I saw claimant and other colored men determined to occupy the old fields in that neighborhood for the purpose of raising crops the year following. Louis Whitmore is the name of the other man. I also permitted to go on the old field. The spring of 1867 I saw Aaron and Louis Whitmore at work on the fields spoken of. This settlement of colored folks has the character of quiet industries and law abiding citizens and is not any in the nation. Some of these people have large and good farms all made by themselves since the war.

Witness with a party of six gentlemen in the fall of 1866 and this colored party who settled on Big Creek afterwards in the neighborhood for the purpose as they admit the time of settling in that region. General Blaine was then in sight of witness which was colored party said they had released and are now the names of the party above indicated.

Agent Jones was at the time speaking said Col party. A delegation for the Cherokee Nation at Washington. There were parties as witness learned from one of them who wished to travel or drive off from their claims into colored party at the time they were prospecting the country. This was advised against by witness and it was not done or carried out. Witness party spoken of above was composed of colored citizens except one colored man. I am the sole participant of this party except the colored men and possibly one other. Occupation of witness in herding his cattle. I travelled a good deal in that neighborhood at that time spoke of.

Continued on page 23.

Aaron Whitmore et al

July 18, 1878

Cherokee Nation

John Riley

Witness as witness for party. I live in Boone's second class. I first moved there in 1862 and have continued to reside there except in time of war. I came back in the month of August 1866 to the Nation. I met Aaron Whitmore. He returned or came to the Virginia river to live in the month of March 1867. Also came at the same time being Major, Mike Sanders, Sam Robber, Billy Foreman, with their families and others whom I don't recollect. Claimant made a crop that spring in 1867 on an old place of Aaron Whitmore. He had settled no other place before that.

Witness Examined.

I don't know of any colored heads of families coming on to the Nation in the month of Decr. 1866 to locate homes but I know of none who came in Decr. 1866 for that purpose. I know where Aaron Whitmore lived at that time. I also know Cooper's bluff in Decr. 1866. I live on the north side of the river. Claimant lives and settled on the east side of the river. If any heads of families came in Decr. 1866 I never heard of them. I never knew of Squire Alberty being in the part of the country in 1866 in the party who came down in Sept. 1866. Aaron Whitmore was not along but Mike Sanders, Sam Robber, Colbert & perhaps Billy Foreman. Moses was not along. Daniel was not along as I know of nor Mariah nor Major which nor Aaron Whitmore that I know of. If any such party had come down in Decr. 1866 I think certainly I would have known it.

Joseph Riley

Mandolph Riley

(page 23)

about the middle of May 1867 I first saw this party with their families at their new homes, Chikank and others of this colored party told witness that they returned in March 1867 to the Nation, Be Direct.

I learned from John Coker that most of this colored party returned to Kansas after their families and a few remained. I was at General Convention of the Colored People in 1866. It was witnessed understanding that the purpose of said convention was to ratify the treaty of 1866. I think the subject of the convention was to ratify amendments to the Constitution in or out of the treaty and to ratify the treaty. The treaty was concluded the 9th of Aug. 1866 in my information. It might have been July 1st 1866.

Witness went south during the war. J. B. Jones was not at the time herein mentioned U. S. Agent but was a Delegate and was Agent afterwards.

B. F. Alberts.

Witness

D. E. Nicholson,
Agent.

Aaron Whitman

Cherokee Nation.

Tested and sworn to, 18th, 1878.

This day comes John P. Dyons Atty for Cherokee Nation and denies all and singular the allegations of complaint contained in the above named case.

John P. Dyons,
Atty for C. N.

Arthur S. Graninger, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the proceedings in the above case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) Arthur S. Graninger.

Subscribed and sworn to before me this 18th day of June, 1902.

(SEAL)

(Signed) J. B. Carter.

Notary Public.

I, Arthur S. Graninger, a stenographer to the Commission to the Five Civilized Tribes, do hereby state that the above and foregoing is a true and complete copy of the original now on file with the Commission, and the same was copied by me.

Subscribed and sworn to before me this 18th day of June, 1902.

Arthur S. Graninger
Notary Public.

7A511

A document was shown to the above named person on July 26, 1962.

Report by
Person

The document was the same as the one shown to the above named person on July 26, 1962. It was a letterhead memorandum of the Central Intelligence Agency dated July 26, 1962, and was addressed to the Director of the Central Intelligence Agency.

(S)

Report by
Person

JUL 26 1962

The document was the same as the one shown to the above named person on July 26, 1962. It was a letterhead memorandum of the Central Intelligence Agency dated July 26, 1962, and was addressed to the Director of the Central Intelligence Agency.

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To be filed with U. F. D. 311, Emily Nelson.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, P. T., May 22, 1902.

In the matter of the application of Charles C. Smith et al for enrollment as Cherokee Freedmen.

TESTIMONY IN BEHALF OF APPLICANTS.

SUPPLEMENTAL TO D-514.

APPEARANCES:

LEWIS T. BROWN, representing Mellette & Smith, for applicants.
T. F. BASTINGS, for Cherokee Nation.

SAM WEBBER, being first duly sworn, testified as follows:

- L. T. BROWN: State your name? A Sam Webber.
- Q What's your age? A About 52 so ever now.
- Q Your postoffice address? A Nowata.
- Q Are you a recognized citizen of the Cherokee Nation? A Yes, sir.
- Q Do you know Charles C. Smith, the applicant? A Yes, sir.
- Q Do you know his wife? A Yes, sir.
- Q Do you know her mother? A Yes, sir.
- Q What was her mother's name? A Her name was, we called her Aunt Tilda Dannerberg.
- Q Do you know what her name was before she went by the name of Dannerberg? A That's the name I knowed her by.
- Q Do you know what her second name was? A She went by the name of Tilda Lacey before she died.
- Q Do you know when she returned to the Cherokee Nation after the close of the war? A I don't know just what month she returned; I know when I seen her.
- Q Please state when it was? A Why I saw her along just about Christmas in '66.
- Q Now Mr. Webber go ahead and state the circumstances of your seeing this woman at that time, and what, if anything, you done?
- A Why I went down to Lightning Creek, and I live about—did live about ten or fifteen miles from Lightning, and I went down there to see this Harry Still, and I heard she was there when then there, she had got a little claim, this claim that Harry Still bought from them afterwards, and she was there, her and her children.
- Q Who else was there? A Why, see Harry Still and Mariah Hayden, and we used to call Aunt Mariah's daughter Puss, then was all the name I knowed her by.
- Q What's her name now? A I declare I never could give any name only Puss.
- Q What's her husband's name? A Buckner.
- Q George Buckner? A Yes, sir.
- Q Anyone else there? A Why this Andy Rider was there, and this Smith's wife.
- Q Charley Smith's wife? A Yes, sir, and her sister, and a little

boy we called Jim.

Q Do you know John Moser? A Yes, sir.

Q Do you know his wife? A Yes, sir.

Q Was she there? A Yes, sir, she was a girl then.

MR. HASTINGS: If Mariah Hayden testified before the Chambers Court in her application or set forth in her application before the Chambers Court that she never came here till '67 when she made application in '78, she was mistaken then was she?

MR. BROWN: Wait a minute: it is objected to for the reason that it is assuming a fact not proven.

COMMISSION: Objection will be noted; answer the question, Mr. Webber.

Witness: She must have been mistaken if she testified that.

MR. HASTINGS: When were you married? A I was married along after Christmas.

Q What year? A '67.

Q How long after Christmas? A Why it wasn't long after, not very long after.

Q What women came down with you in the fall of '66? In the fall of '66?

Q Yes, sir. Was there any women? A Yes, sir, let me see now, if I could tell you; there was a girl they called Della Fox.

Q Anybody else? A And Dick Thurman's daughter, they called her Hannah.

Q Who else? A And then there was the Sanders women, and the Neigses women.

Q Well was Rube Sanders down here before? A Yes, sir, he was too, I know he was.

Q Well then you come as he come did you? A Yes, sir, and he come as I come.

Q All come along together? A All come along together.

Q And that was in the fall of '66? A Yes, sir, we come in the summer, and went back, and then come again, and come again in the fall.

Q You went back and come back in March of '67? A I went up there and married.

Q Well I will ask you if it is not a fact that not a single woman nor a single child come here and located north of the Prisco Road and east of the M. & T. in the winter of '68: did you have a house up there? A Yes, sir.

Q Were you living in your house? A I built a house in the summer when I come down here.

Q Was Aaron Wright living up there? A No, he wasn't living there; he come, well he come down and lived there after we moved there.

Q Well but was he living there on Lightning Creek near Mariah Whitmire when you went over there and when you saw this woman? A Oh, when I saw that woman he was living there.

Q He was living there was he? A He moved there in the spring; he lived on the place where Jim Martin lives now, just right in the neighborhood, and made a crop on the old farm there without any fence.

Q What spring was that? A In the fall of '67 he moved down to Lightning Creek.

Q But when did he move to the Cherokee Nation with his family? A Aaron Wright?

Q Yes, sir. A Why he come in the winter.

Q Well of what year? A Along in '67 when Aaron Wright come.

Q Well what time in 1877? A In the winter.
 Q Well was it in the early winter or was it in December, was it
 January of '87 or was in December of '87? A I went back up there
 and arrived and then he come down here just after that and been there
 ever since.
 Q Well you on the Lewis Whitliffe place? A Come with us.
 Q Come along as you were did not? A Yes, sir.
 Q Then you come to Lewis place? A Yes, sir.
 Q Did you come as Jesse Whitliffe come? A Yes, sir, he was one of
 our crowd.
 Q And Reuben Sanders come at the same time? A Yes, sir, he was
 one of our crowd.
 Q Whenever they come you come? A Yes, sir.
 Q I want when they moved their families, is that the time your
 families came? That is your father's family? A Yes, sir, that's
 what I am talking about.
 Q And it was after this time that you saw this man that you spoke
 of, this Hansenberg or Matilda Dannenberg, it was after that, was it?
 A That was before that, before I married, you know.
 Q It was before you married? A Yes, sir.
 Q That you saw him? A Yes, sir.
 Q Was it after you had come down here? A Of course.
 Q Well it was after those women had come down here? A Yes, sir,
 and it was after Lewis Whitliffe had come down with his family? A
 Yes, sir, Lewis had no family then.
 Q Well it was after those women had come with his family? A Yes, sir.
 Q It was after your folks had come? A Father had no family, only
 the boys.
 Q Well it was after you had all come? A Yes, sir.
 Q Harriet Hayden was down here at that time? A Yes, sir, she was
 down there.
 Q They were all down there, were they? A Yes, sir.
 Q Is you belong to the Freedmen's Protective Association? A Yes,
 sir.
 Q Are you one of the committee that is held around here for two or
 three months representing the Freedmen? A I stay here all the
 time.
 Q I will ask you if you ain't a member of the committee down here
 representing them and looking after their interests? A I am here
 looking after all that I witness for.

MR. BROWN: That is all, you are on the stand as 1897. A Yes,
 sir.
 Q Lewis Whitliffe, Jesse Whitliffe, Aaron Whitliffe, Reuben Sanders,
 were the roll of 1897? A Yes, sir.

MR. HASTINGS: The Cherokee Nation asks that the testimony
 introduced by the Cherokee Nation in the case of Ed Wright, the
 same being Freedmen Douglas 912, as to the time of the return of
 the witnesses, also the testimony of Aaron Webber, together with the
 testimony introduced by the Cherokee Nation in the case of Aaron
 Webber, being F. D. 810, be introduced and made a part of the
 record in this case. The Cherokee Nation also asks that the testimony
 of Reuben Sanders, as well as all of the testimony introduced by
 the Cherokee Nation in the case of Elizabeth Heirs, the same being

processes heretofore, be introduced and made a part of the record in this case.

Commission: The above testimony and proceedings will be filed in the following Freedmen cases: D-514, the name being this case at bar, that of Charles C. Smith, D-474, John J. Rowd, D-511, Emily Nolen, D-515, Pedro Smith, D-518, Matilda Smith, D-522, Elmore Smith, D-523, Gora Morris, also in Cherokee Freedmen cases D-519, D-512, D-520, D-521 and D-504.

Arthur G. Croninger, being first duly sworn, states that he stenographer to the Commission to the Five Civilized Tribes heretofore in full the testimony and proceedings in the above case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

(Signed) Arthur G. Croninger,

Subscribed and sworn to before me this 3rd day of July, 1902.

(Seal)

(Signed) P. G. Rauter,

Notary Public.

I, Arthur G. Evans, a stenographer to the Commission to the Five Civilized Tribes, on oath, state that the above and foregoing is a true and perfect copy of the original now on file with the Commission, as the same was made by me.

Arthur G. Evans

Subscribed and sworn to before me this 26th day of July, 1902.

Prince Jones
Notary Public.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., May 31, 1908.

In the matter of the application of PERRY ADAMS for enrollment as a Cherokee Freedman:

Applicant appears by Mellotts & Smith; Cherokee Nation, by W. W. Hastings:

By Mr. Smith:

The applicant moves the Commission to make the certified copy of the decree of the Court of Claims in the case of Moses Whitmire, Trustee for the Freedmen, vs The Cherokee Nation, No. 17209 filed in the Mariah Hayden case F D 498, a part of the record in this case and the cases hereinafter mentioned by reference to the said case of the said Mariah Hayden, and if it be deemed necessary that a copy of the said decree be filed in this case and in the following cases, to-wit:

Salem, Kelly, D 511;

By W. W. Hastings:

Comes now the Cherokee Nation and objects to the introduction of the decree, because, First: It does not tend to show that the applicant was a slave of the Cherokee Nation at the beginning of the war, nor that he returned within the time specified in the treaty of 1866, or that he had been a continuous resident of the Cherokee Nation since that time, or that he is a descendant of such a person. Second: Because the same is incompetent, irrelevant and immaterial, and does not tend to prove an issue in this case. Third: Because the Commission will take judicial knowledge of all laws, treaties and decrees necessary for the determination of the right of any person who makes application for citizenship. Fourth: The Cherokee Nation objects to the filing of a certified copy of this decree in the case of an applicant unless the same is called and filed in each individual case.

Commission:

The motion of the attorney for the applicant will be entertained and the decree of the Court of Claims filed in the case of Mariah Hayden will be made a part of the record by reference in all the cases above named with the exception of those which come within the provisions of the temporary injunction recently granted by Judge Gill of the United States Court, of the Northern District, Indian Territory.

Mr. Smith:

The applicant further moves that as to the above named cases including the Mariah Hayden case that counsel for the applicant be allowed within thirty days to file any of the proof of any or all of the record other than the decree already referred to

in the case of Moses Whitmire, trustee, vs Cherokee Nation, on file in the Court of Claims to the counsel of the Cherokee Nation if it is desired to do so.

W. W. Hastings;

The Cherokee Nation most certainly strenuously objects to the allowance of this permission or to the granting of this request for the reason that most of these applicants have had more than a year in which to file all of their testimony that they desired to file to make out their case before the Commission and that notice was given them all by agreement in March last, that the cases would be closed so far as testimony was concerned by the special permission of the firm of attorneys representing these applicants, on the 31st day of May, 1902, and that this being the 31st day of May, 1902, we say that under the rulings of the Commission, that under the agreement between the attorneys, that the testimony in all these cases is to close and should be closed by the Commission, and that no extension should be granted in any case and no case reopened unless there is some special and particular reason shown either by the Cherokee Nation on the one side or the applicant on the other why an extension of time is necessary or desired.

The Commission:

The law provides that the roll of Cherokee freedmen shall be made in strict compliance with the decree of the Court of Claims rendered the 3rd day of February, 1896, and as the Commission must take judicial notice of the judgment roll of said Court in the proceedings referred to the motion of the attorneys for applicants for additional time to file certified copies of the proceedings of the said Court is denied.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings in the above case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

(Signed) E. G. Rothenberger.

Subscribed and sworn to before me this 14th day of June, 1902.

(SEAL)

(Signed)

P. G. Renter,
Notary Public.

I, E. C. Bagwell, a stenographer to the Commission to the Five Civilized Tribes, on oath state that the above and foregoing is a true and perfect copy of the original testimony in the above entitled cause as filed with the Commission, which copy was made by me.

E. C. Bagwell

Subscribed and sworn to before me this July 29, 1902.

P. G. Renter
Notary Public

NOTED
1/2/20

Unsubscribed and sworn to before me this 20th day of August, 1902.

[Signature]

and that the same is a true and complete copy of the original
to the Commission for the Five Civilized Tribes and the following
1. Roy Turner, being that duly sworn, state that he is a resident of
the Five Civilized Tribes, and that he is a member of the same.

NOTED

NOTED

Unsubscribed and sworn to before me this 20th day of June, 1902.

AUG 20 1902

E. G. Genter, Notary Public.

E. G. Genter, Notary Public.

in a true and correct manner of his statement, notes, etc., and
to the Commission for the Five Civilized Tribes, and that he is a member of the same.
The undersigned, being duly sworn, states that he is a member of the same.

- D-804, William Ross;
- D-230, James Colburn;
- D-217, Jack Blackbird et al;
- D-217, Emily Nolan et al;
- D-212, Royal Smith;
- D-885, Elmer Smith;
- D-231, George Lancy et al;
- D-218, Charles Hobbs;
- D-214, John J. Ross et al;
- D-210, William Smith;
- D-882, Carl Morris;

This statement was filed in the following manner:

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T. May 31, 1902.

In the matter of the application of Jane C. Smith for the enrollment of herself and children as Cherokee freedmen.

Applicants appear by Mellette & Smith; Cherokee Nation by J. S. Davenport. Testimony in behalf of applicant.

Frank Ross, being sworn and examined, testified as follows:

By Mr. Smith: State your name? A Frank Ross.

Q How old are you? A 54.

Q Where do you live? A On Lightning Creek, Cherokee Nation.

Q You know Charles C. Smith? A Yes sir, I know him.

Q Do you know his wife? A Yes, sir.

Q What is her name? A Jane.

Q Where do they live, Mr. Ross? A They live up on Hickory Creek, the last time I was up there.

Q In the Cherokee Nation? A Yes sir.

Q How long have they been living there? A They have been living there a good long while.

Q A Good many years? A Yes, over 21 years.

Q Who was Malinda Dannenberg? A His girls' mother.

Q The mother of Jane? A Yes sir.

Q When did you first see Malinda Dannenberg after the war? A In the winter of '66 on Lightning Creek.

Q Was it before Christmas? A Yes sir.

Q Was it in December or November of '66, or do you know? A In December of '66, along about the first of it.

Q Who did she have with her? A She had three children with her, a boy and two girls.

Q Who were they, name them? A Jane, Jim, I forgot the other ones name right now.

Q Was that the wife of this man Charles Smith? A Jane was the wife of Charles Smith. The other one is named Emma.

Q Who did she marry? A She married a man by the name of Rose.

Q What Rose? A John J. Rose.

Q What is her present name, what name does she go by now? A She married another man, I don't know his name.

Q Would you know it if you were to hear it? A Yes sir.

Q Was it Nolan? A Yes sir.

Q Her name is Emily Nolan? A Yes sir.

Q Where did you see them? A On Lightning Creek.

Q What were they doing there? A They were camped there.

Q Do you know how long they continued to stay there? A They were there when I left.

Q How long did you stay there? A I stayed there about four or five days.

Q Did you see them any more after that? A I saw them after that about four or five years after that.

Q Not until four or five years after that? A Yes sir.

Q Where did you live at that time? A I lived on Brice's Creek part of the time.

Q I mean at that time where were you living at the time you saw these people? A I was living on Brice's creek.

Q That is how far from Lightning Creek? A About 25 or 30 miles.

J. S. Davenport: You are a freedman citizen of the Cherokee Nation? A Yes sir.

Q You have been a witness in several of these claimant cases, freedmen cases, haven't you? A Yes sir.

2-Jane C. Smith et al.

Q Well now, how old were you when the war closed? A I was about twenty, I guess.

Q Where were you living at the close of the war? A I was in the army at the close of the war. I was mustered out in '65.

Q Where were you mustered out? A At Leavenworth, Kansas.

Q What regiment did you belong to? A 79th, Company H.

Q Had you known this Matilda Dannenberg before the war? A No sir.

Q You first met her on Lightning Creek? A Yes sir.

Q Who was living with her? A They were in a camp there.

Q I asked you who was living with her when you saw her? A Her children, three children.

Q Any men folks? A Harry Still.

Q Did they have a home there of any kind? A They did not have no home at that time, they just come down from Kansas then.

Q Do you know how long they stayed there? A Some of them is there yet.

Q Which some of them is there yet? A Mrs. Hayden and Harry Still is there.

Q Which of the people have continually resided there from '66 until the present time? A Jane and Jim and all of them.

Q Have they resided in the Cherokee Nation ever since '66, are you able to say they have? A Every time I saw them they were there, they never were out.

Q Don't you know they have lived out? A No, I don't know.

Q Don't you know John Rowe and Emily were married in the State of Kansas? A No sir.

Q Did you know her before? A Yes sir.

Q Before they were married? A Yes sir.

Q How many years did you see her before she and John were married? A Ten or fifteen years.

Q Before Emily Dannenberg and John Rose were married? A Yes.

Q You are sure? A Ten or fifteen years.

Q Did you ever see Emily before the war? A I told you I didn't know them before the war.

Q You think it was at least ten years after the war before she and John were married? A I guess so.

Q Do you know anything about it? A Yes, sir.

Q If you know anything about their marriage you know they were married in '67? A I didn't see them when they got married.

Q The record of the Court shows they were married in '67? A I wasn't there when they were married.

Q It could not have been ten years from the time you saw her when she and John were married, could it? You don't remember a thing about that until you were called on at the tale end of this business? A Yes sir.

Q Why, don't you know they were married in '67? A Because I wasn't there.

Q Were you living on Lightning Creek when they were living there?

Mr. Smith: I object to that.

Commission: Answer his question.

A All the folks that were living there knewed I was living there.

Q They had a name, who were they? A Mose Wright, Nelson Murrell.

Q Was Nelson Murrell living on Lightning Creek in '66? A Nelson Wright and Lewis Whitacre were living there.

Q They do not claim to have lived on Lightning Creek until after '66; they were living on Big Creek then? A They had built their houses there in '66.

Q They claimed to have built a house there in 1866, does their testimony show that? A I never seen their testimony.

Q Don't you know they claim they came down here in the fall of '66 and stopped on the Verdigris and made a crop and then came over on Big Creek and then in '67 came to Lightning Creek? A I don't know, it was '66 when I seen them up there.

Q Where was Charles Smith and his wife married? A I don't know.

S-Jane C. Smith et al.

Q Where were they living when they married? A I don't know.

Q Did you ever know them before they were married? A Yes sir, I knowed the girl.

Q What was the girl's name? A Jane.

Q Where did you know her? A I knowed her on Lightning Creek and on the bend in there.

Q What bend? A Gooseneck Bend.

Q It is some distance from Gooseneck Bend to Lightning Creek? A About fifteen miles.

Q How big a girl was she when you knew her? A She was a big girl about 17 or 18 years old.

Q Was she living in a house up there? A She was living in a tent when I seen her.

Q How often did you see her? A I saw her lots of times. I never saw her but once in '66.

Q How long after that until you saw her again? A About four or five years.

Q They weren't living in a house when you saw them first? A They were living in a house then.

Q You never seen her until after '66? A I hadn't seen her until I saw her after that.

Q When did you see her when she was living in a house? A It was along about '73 or '74.

Q When did you see her mother, Matilda; was her mother living in the Cherokee Nation, living in a house? A I saw her living in a house along in '70.

Q When did you see Emily Nolan living in a house in the Cherokee Nation? A I saw them living with their mother.

Q How did it happen that you were going through that country in '66 and remember seeing those people in a tent? A I was hunting a place.

Q In '66? A Yes, and am living there yet.

Q You were living on Pryor Creek? A Yes sir.

Q And you changed your locality and went up there, there wasn't hardly anyone living on Pryor Creek? A There wasn't many.

Q Those place did you pass when you went to Lightning Creek from Pryor Creek? A There wasn't any one living there. The country was all wild up there then.

Q And you just happened to go out in that unsettled country away from where you lived to locate your place? A Yes sir.

Q There was plenty of vacant land along Pryor Creek was there not? A Yes.

Q There was plenty along Verdigris? A I didn't want to go on the Verdigris.

Q There was plenty of vacant land there? A Yes.

Q And plenty of it along Big Creek? A Yes, I didn't get on Big Creek.

Q What part of Lightning Creek did you see these people pass? A Rachel Glass' place.

Q Is that the place Harry Still afterwards bought? A No sir, he didn't buy that place.

Q Then you have no recollection of seeing these people living in the Cherokee Nation or camping out in the Cherokee Nation until along in the '70's? A Somewhere along there.

Q You don't know what they did in '66 when you saw them there, whether they stayed there or whether they went away? A No sir.

Q What makes you remember it was '66? A It was after I was mustered out of the service in '65 and I come back home after that.

Q It was the year after you were mustered out? A Yes sir.

Q What year did you locate your farm up on Lightning Creek? A '75.

Q Well, it took you quite a long while, about five years to locate your claim up on Lightning Creek? A Yes, but I wasn't on Brice Creek.

Q You didn't get your place located on Lightning Creek until '72?

A I went up there and took my claim.

- Q You didn't locate your claim then in '71? A I didn't make no house on it in '66. I didn't do anything on it then, I went over it, I wanted to see what it looked like.
- Q It looked like a wilderness? A Yes.
- Q And you left it five years before you went back? A Yes sir, there wasn't anybody but a few old settlers, the Whitmires were there.
- Q Name a Cherokee or white man that lived there? A There wasn't any lived there then. There is not many now.
- Q Did the Whitmires have their women folks there when you were there in '66? A Aunt Mariah Hayden was there.
- Q What month was this in '66? A Along before Christmas.
- Q You said a while ago it was in December? A Yes, December is before Christmas; Christmas is in December.
- Q What makes you remember it was before Christmas? A Because it was getting cold, it was getting winter.
- Q Why doesn't it get cold right after Christmas? A Yes, sometimes it gets cold before Christmas.
- Q You want to get it before Christmas so as to be sure to get it within the treaty that they were there? A No, that was the time we was there.
- Q Did you have a conversation with them as to their having been freedmen? A Yes, I knowed them before the war and I talked with them.
- Q You stayed all night with them? A I stayed all night with Nelson Whitmire.
- Q Is he living or dead? A He is dead, his wife is living.
- Q Well, you don't know where Charley Smith and his wife have been living since that time? A Living on California Creek.
- Q All the time since '66? A Every time I have seen them.
- Q Have they always resided in the Cherokee Nation since '66? A I couldn't say that, they might have gone out somewhere; every time I saw them they were here.
- Q When did you first get acquainted with Charles Smith? A It has been a long time.
- Q Was it in '66? A I didn't know him until after he married this woman.
- Q Was he a freedman too? A I don't know.
- Q Don't you remember him as well as meeting his wife? A Yes sir.
- Q Well what year did you meet Charley Smith? A I don't remember.
- Q Why can't you remember him you remember his wife? A Because I remember it being directly after the war.
- Q You remember because he married a girl out in the prairie, out in a camp? A I didn't say anything about in the prairie. I said it was on the forks of the Creek.
- Q You remember his wife because you had met her out there? A Yes.
- Q Why can't you remember the year he and his wife married? A Because I wasn't there, I don't know when they married.
- Q You weren't there when they came in on that Creek were you? A Yes sir.
- Q You said they were there on the Creek when you got there? A The family was there. I didn't say Charley was there.
- Q You weren't there when they left either were you? A I wasn't there then.
- Q You don't know anything about it except the little point of '66? A Oh, yes.
- Q In later years you have seen them but you didn't see them from '66 until up in '71, you never saw one of his family living up in the Cherokee Nation on Lightning Creek? A I never said I saw them on Lightning Creek in '70. I seen them up on the same bend pretty near every year.
- Q What year did you see them most from '66 and up to '71 at celebrations? A I saw them in '70 all along.
- Q Then there was a period of five or six years you didn't know where they were? A Yes.
- Q Was she married when you saw them there in 1871? A I don't know, she may have been.

5- Jane C. Smith et al.

Q When did you first see Charley and found out that he claimed to have married this girl? A It was a good while after that.

Q Was it as late as '80? A Before that, it was along in '77 or '78.

Q When did you first see this Emily and know that John Rowe and she were married? A About the same time.

Q About '77 or '8? A Somewhere along there.

Q Did you ever know of these parties living at Lawrence, Kansas, and Topeka, Kansas? A I never was there; I come through there.

Q Did you ever know of this family living there? A No sir.

Q Did you know John Rowe before he and Emily were married? A Me and him soldiered together.

Q You were both mustered out in Kansas? A Yes.

Q Did you ever see John Rowe from the time that you learned that he and Emily had married? A No, when I seen him he said he was married.

Q Did you separate from Rowe in the Cherokee Nation or in the state after you and he were mustered out? A We separated at Leavenworth.

Q How far is Leavenworth from Lawrence? A I don't know how far it is. It ain't very far.

Q You made the trip didn't you? A But I didn't know how far..

Q You have no idea what the distance is? A No sir.

Q When you were mustered out and came down to the Cherokee Nation, do you know whether John had ever met Emily at that time? A I don't know, I left him at Leavenworth.

Q After you met him in the Indian Territory did you have any conversation as to where they had been living before they came to the Cherokee Nation? A No sir, never had no such conversation. They told me they lived on California Creek when I first saw them.

Q Where did they say they were living from the time you and John separated at Leavenworth, Kansas, up until the time you learned he and Emily had married? A He never told me where he was living.

Q Do you mean that we should understand that you had soldiered with a man and been mustered out with him and then separated from him and hadn't seen him for 9 years or about that time and then when you met again you didn't ask as to where he had been during the interval?

A No, he never told me and I never asked him.

Q You and John Rowe weren't very intimate soldiers? A We were always good friends.

Q Did Rowe ask you where you had been living? A Not that I know of.

Q You then didn't discuss the subject of residence between you? A Not that I recollect; I don't think he asked me.

Q What month of the year were you mustered out? A In October.

Q Of what year? A Of '65.

Q What year was the Wallace roll made? A Along in '80, some time in '86 I believe.

Q Why can't you remember the exact year the Wallace Roll was made, you remember '66? A Because I remember '66 is because I was mustered out in '65.

Q You drew money from the Wallace roll, why can't you remember that just as well as the year '66? A I don't know.

Q What year was the Kern Clifton roll made? A Along about '89 some where.

Q How far do you live from Charley Smith now? A He lives up on Hickory Creek.

Q About how far is it? A About 26 miles.

Q Has he ever lived any closer to you since he came to the Cherokee Nation than that? A No sir.

Q How far did you live from John Rowe's? A He lives near Lenapah, about the same distance.

Q Did he ever live any closer to you than that? A No sir.

Q Then you haven't been seeing them very often since they came? A I seen them sometimes every year and sometimes twice a year when we have meetings up on the bend.

Q You were at Chelsea and Nowata and nearly all the places where the Commission was the past year? A Sometimes a day and a half a day.

Q You were there when Charles Smith made his application? A I don't think I was. I saw him there at Chelsea.

Q Did he call you as a witness? A He called me, but he didn't use me.

Q How did that happen? A I don't know.

Q It happened because you didn't know anything that would benefit him? A Just as much as I know now.

Q You didn't tell him then what you knew now and what you are telling here to-day? A Yes, I did.

Q How did it happen that he didn't use you then? A I don't know.

Q You waited until the last day before you came? A I didn't know this was the last day.

Q You don't mean to say that you didn't know this was the last day fixed by the Commission? A Is this the last day?

Q Do you mean to say you didn't know? A I heard it was the last day, but I don't know it.

Q And you waited until that day to come and testify? A I have been here ever since Wednesday and have been waiting on you fellows.

Q We have been ready to take it any time? A I don't know.

Q Have you been denied since you came here that we would not take your testimony? A I don't know.

Q Have you asked that you might give your testimony that you might go home? A I was waiting until they called it up.

Q You knew when you came here Wednesday that you weren't expected to testify until today? A No sir, I didn't.

Q And you didn't want to testify until today and not until this afternoon? A I was willing to testify the first day I come here so I could have been home.

Q Who did you ask? A I didn't ask nobody.

Q Been around the Commission room continuously ever since you came? A Not ever since I been here, I have been sick half the time down at the hotel.

Q Who was Chief when you were up there in '66 and saw these people camping? A Bill Ross was acting as chief then.

Q You weren't up there hunting horses like L. D. Daniels, were you? A Lewis Daniels was elected chief after that.

(REDIRECT)

Q How is the health of the people generally in that country? A My health has not been very good.

Q Do you know whether this paper was handed in Thursday that you be called to testify in this case, or not? A No sir, I don't know.

The applicant offered in evidence a certified copy of marriage record taken from the marriage records of Coowascoowee District, Cherokee Nation, certified to by B. W. Alberty, Assistant Executive Secretary of the Cherokee Nation.

J. S. Davenport: The representative of the Cherokee Nation objects to the introduction of the paper offered in evidence because it does not purport to be a certified copy of any regular marriage record kept, does not purport to be a copy of the license recorded or the certificate of the Minister or other officer solemnizing the same. The representative of the Cherokee Nation further objects to the document offered because that it is immaterial and incompetent and not a record which can be proven by a certified copy, it not being a record entered by official of the nation while in his official capacity, or which purports to be an official act, but is simply a record stating what the recollection of a man who was at some time clerk, remembers about a certain marriage, and because of the further fact that the Clerk has no power whatever and never did under the Cherokee law, by his unlawful acts, have the right to admit to

citizenship anyone by violating the law and issuing to them a marriage license.

Commission: The document will be filed and considered for what it may be worth.

RECEIVED

Approved and made to order on this 20th day of June, 1903.

and that the same is a true and complete copy of the original
to the Commission to the New Civilized Agents of the United States
I, the undersigned, being duly sworn, depose and say that the foregoing
is a true and correct copy of the original.

FILED
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COMMISSION

J. C. Thompson, Secy.

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Approved and made to order on this 20th day of June, 1903.

Jane C. Smith et al.

This testimony will also be filed in the following freedom cases:

| | |
|------------------------------|----------------------------|
| D-882, Minora Smith; | D-883, Cora Morris; |
| D-815, Pearl Smith; | D-516, Matilda Smith; |
| D-511, Emily Nolen et al; | D-474, John J. Rose et al; |
| D-517, Mary Blackburn et al; | D-518, Charles Rose; |
| D-520, James Colbert; | D-521, Geneva Lynch et al; |
| D-804, William Rose; | |

as well as in the case at bar, the same being that of Jane Smith for the enrollment of herself and children, D-514.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

E. G. Rothenberger.

Subscribed and sworn to before me this 16th day of June, 1902.

P. G. Reuter,
Notary Public.

SEAL.

I, Roy Palmer, being first duly sworn, state that as stenographer to the Commission to the Five Civilized Tribes I made the foregoing copy, and that the same is a true and complete copy of the original.

Roy Palmer

Subscribed and sworn to before me this 20th day of August, 1902.

B. J. Jones
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Robert Ross et al.
for enrollment as Cherokee Freedmen, consolidating the applications
of

Robert Ross et al. - - - - - Cherokee Freedmen D 474;
Jane Smith et al. - - - - - Cherokee Freedmen D 514;
Emily Helen et al. - - - - - Cherokee Freedmen D 511;
Pearl Smith - - - - - Cherokee Freedmen D 516;
Matilda Smith - - - - - Cherokee Freedmen D 516;
Mary Blackburn et al. - - - - - Cherokee Freedmen D 517;
Charles Rose - - - - - Cherokee Freedmen D 518;
James Colbert et al. - - - - - Cherokee Freedmen D 520;
Geneva Lynch et al. - - - - - Cherokee Freedmen D 521;
William Rose - - - - - Cherokee Freedmen D 504;
Daisy Rose - - - - - Cherokee Freedmen D 132;
Minna Smith - - - - - Cherokee Freedmen D 522;
Cora Morris et al. - - - - - Cherokee Freedmen D 523.

D E C I S I O N.

The record herein shows that applications for enrollment, as Cherokee Freedmen, were made to this Commission by John J. Rose, for his minor children, Robert and James Rose; said application also included the said John J. Rose, who claims right to enrollment as a Cherokee Freedmen by intermarriage, but the status of persons claiming right to enrollment as Cherokee Freedmen by intermarriage not being fixed at this time, the said John J. Rose is not embraced in this decision; by Charles C. Smith, for his wife, Jane, and minor children, Chester, Frank, Bertha, Catherine, Curtis and Melvella Smith; said application also included the said Charles C. Smith, who claims right to enrollment as a Cherokee Freedmen by intermarriage, but the status of persons claiming right to enrollment as Cherokee Freedmen by intermarriage not being fixed at this time, the said Charles C. Smith is not embraced in this decision; by Emily Helen, for herself and minor child, Jessie Rose; by Pearl Smith, for herself; by Matilda Smith, for herself; by Mary Blackburn, for herself and minor child, Jeff Dickson; by Charles Rose, for himself; by James Colbert, for himself and minor children, Myrtle, Mable, Minnie, Walter J., Benisteon and Pearl L. Colbert; said application also included Susie Colbert, wife of the said James Colbert, who claims right to enrollment as a Cherokee Freedmen by intermarriage, but the status of persons claiming right to enrollment as Cherokee Freedmen by intermarriage not being fixed at this time the said Susie Colbert is not embraced in this decision; by Geneva Lynch, for herself and minor children, John Looney and Prue Lynch; by William Rose, for himself; by Daisy Rose, for his minor child, Daisy Rose; by Minna Smith, for herself; and by Cora Morris, for herself and minor children, Clarence, David, Charles and Helen Morris. Copies of the testimony taken in the cases of Edward Wright, Cherokee Freedmen D 519; Aaron Webber, Cherokee Freedmen D 515; Joe Rose, Cherokee Freedmen D 542 and Elizabeth Reigs, Cherokee Freedmen D 391, and Harry Still, Cherokee Freedmen #376, are filed with and made a part of the record herein.

The evidence shows that Jane Smith, Emily Helen, formerly Rose, and James Colbert are the adult children of Matilda Colbert (formerly Dannenberg), deceased; that they were the slaves of Cherokee citizens at the commencement of the rebellion; and that they went to Kansas during said rebellion. It is shown by evidence introduced in behalf of the applicants that said Jane Smith, Emily Helen and James Colbert returned to the Cherokee Nation with Mariah Hayden, mother of Harry Still, after the war; and the Commission has decided in the case of Henry O. Hayden et al., Cherokee Freedmen R 198, that the said Mariah Hayden did not return to and take up her residence in said Nation until after 1875 which decision was approved by the Department on November 28, 1902 (I.T.D. 5988, 6242-1902).

Jack Landrum, a witness in behalf of the applicants, testified that the said Matilda Colbert and her daughter Emily, returned to the Cherokee Nation in the fall of 1866 and remained therein for a period of four or five years following that date. If the testimony of Harry Still to the effect that said applicants returned with Mariah Hayden, his mother, be accepted as true it follows that said Jack Landrum is in error when he states that Matilda Colbert and her daughter, Emily, were living in the Cherokee Nation from 1866 to 1870 or 1871. Again, Landrum is positively contradicted by the testimony of Hattie Drake and Jonathan Jones, two witnesses whose testimony is corroborated by other circumstances. Hattie Drake testified that she knew Emily Helen, James Colbert and Jane Smith in Kansas at the close of the war; and that following that time she attended school with Emily Helen and Jane Smith "at two different times" (years). Jonathan Jones ~~not~~ testified that he removed to Topeka, Kansas, in February, 1866; that a year or two thereafter he became acquainted with Matilda Colbert and her three children, Emma, Jane and James, who were then residing at said place; and that they continued to reside there for a period of five or six years following the time he first got acquainted with them. The marriage license dated February 6, 1869, in which the said Matilda Colbert is described as "Matilda Dannenberg of Topeka" tends to corroborate the testimony of said Jones. Inasmuch as the witness Landrum is shown to be mistaken in his statement that Matilda Colbert and her daughter, Emily, remained in the Cherokee Nation for four or five years following the fall of 1866, is it reasonable to presume that his testimony is any more accurate on the other points in controversy?

As to the testimony of applicants' witness, Harry Still, it is to be observed that, in his own case, it is established by the weight of evidence that he did not return to the Cherokee Nation until after January 19, 1867. So that if he came back to said Nation with any of the applicants it is obvious that they arrived in said Nation too late to acquire any rights to enrollment. Upon consideration of all the evidence, therefore, we are of the opinion that said Jane Smith, Emily Helen and James Colbert did not return to said Nation until after the time specified, in the decree of the Court of Claims rendered on February 3, 1896, in the case of Moses Whitmire, trustee, etc., vs the Cherokee Nation et al., for the return of freedmen to said Nation.

It further appears that all the other applicants herein were born since 1866; that they are the descendants of and claim right to enrollment through said Emily Helen, Jane Smith or James Colbert; and that they have no other right except as such descendants. The names of some of said applicants herein are found on the 1880 authenticated roll of said Nation.

It is, therefore, the opinion of this Commission that the applications for the enrollment of Robert Rose, James Rose, Fred Smith, Chester Smith, Frank Smith, Joseph Smith, Catherine Smith, Curtis Smith, Malvella Smith, Edith Smith, Jennie Rose, Pearl Smith, Estelle Smith, Mary Elphinstone, John Elphinstone, Charles Rose, James Gilbert, Edwina Gilbert, Annie Gilbert, Elsie Gilbert, Walter J. Gilbert, Edwinstown Gilbert, Pearl L. Gilbert, Geneva Lynch, John Leoney, Fred Lynch, William Rose, Daisy Rose, Emma Smith, Cora Morris, Clarence Morris, David Morris, Charles Morris and Helen Morris, as Cherokee Freedmen, should be denied under the provisions of section twenty-one of the act of Congress, approved June 20, 1906 (34 Stat., 498), and it is so ordered.


COMMISSION TO THE FIVE CIVILIZED TRIBES

(Signed) Tamm Dixey, Chairman,
T.B. Needles, Commissioner,
C.R. Brockbridge, Commissioner,
W.B. Stanley, Commissioner,

Midway, Indian Territory,

May 11, 1904.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
FEB 15 1902


ACTING CHAIRMAN

80511

8

Notary Public.

Subscribed and sworn to before me

on the day of A. D. 190

true copy of the within notice to

I do solemnly swear that I delivered a
UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT,
S. S.

Attorney for applicant.

day of 3-11 1902

I, the undersigned attorney for the
within named applicant, hereby accept
service of the within notice on this the

Marshal for the Cherokee Nation.

day of A. D. 190

Given under my hand this

day of A. D. 190

by delivering a true copy thereof on the

in notice on

I hereby certify that I served the with-
CHEROKEE NATION,
INDIAN TERRITORY,

F. D. 3-11

NOTICE!

IN THE MATTER OF the application of Dolly Nelson
for enrollment as Cherokee Freedmen:

Case No. F. D. 512

To Dolly Nelson Mellette Smith ally

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman at the office of the United States Commission to the Five Civilized Tribes in the town of Muskogee, I. T. Indian Territory, on February 24th, 1902, at 8 o'clock A. M. or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this 24th day of February, 1902.

L B Bell

W. W. Hastings
Jas. Davenport
Attorneys for the Cherokee Nation.

**INDIAN TERRITORY,
CHEROKEE NATION.**

I hereby certify that I served the with-
in notice on.....

by delivering a true copy thereof on the
..... day of A. D. 190....

Given under my hand this.....
day of A. D. 190....

.....
Marshal for the Cherokee Nation.

I, the undersigned attorney for the
within named applicant, hereby accept
service of the within notice on this the

..... day of **SEP 23 1901**, 190....

McClure S. Smith
Attorney for applicant.

UNITED STATES OF AMERICA }
INDIAN TERRITORY, } S. S.
NORTHERN DISTRICT. }

I do solemnly swear that I delivered a
true copy of the within notice to

.....
on the day of A. D. 190....

.....
Subscribed and sworn to before me
this

.....
Notary Public.
.....

NOTICE!

IN THE MATTER OF the application of Emly Nolen
for enrollment as Cherokee citizens:

Case No. D 571

To Emly Nolen or Mellette & Smith her Attys.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee citizen at the office of the United States Commission to the Five Civilized Tribes in the town of Vinita Indian Territory, on Oct. 23d 1901 at 8 o'clock A. M. or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee citizens.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this Sept. 21st 1901.

L. B. Bell
W. W. Hastings
Attorneys for the Cherokee Nation.

5054

MAR

1900

1900

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

Mrs. Emily Nelson,

Reby, I. T.

Cherokee-F-D-511.

Register.

TAMS BIXBY,

T. B. NEEDLES,

C. R. BRECKINRIDGE,

Commissioners.

RECEIVED BY THE SECRETARY

73.

J. G. 511

CHARLOTTE E. BERNARD

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
JUN 5 1901.



ACTING CHAIRMAN

CHEROKEE FREEDMEN.

Date JUN 5 1901

Post Office

District

Rt. 1
Xoowiscoune

1. Name

Age

Owner's name

Citizenship

Year

Page

No.

District

Parents:

Father

Citizenship

Mother

Citizenship

2. Name of wife

Age

Owner's name

Citizenship

Year

Page

No.

District

Parents:

Father

Citizenship

Mother

Citizenship

Names of Children:

3.

Jessie Rose

Year

Page

No.

Dist.

4.

Year

Page

No.

Dist.

5.

Year

Page

No.

Dist.

6.

Year

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No.

Dist.

7.

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Dist.

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9.

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Dist.

10.

Year

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No.

Dist.

11.

Year

Page

No.

Dist.

12.

Year

Page

No.

Dist.

Application made by

No. 1

Stenographer

W. A. Green

No. 1 on K. R. Roll as Emily Rose

No. 1 on K. R. Roll as G. 139 No 2859 Emma Rose, 2000 Dist

No. 2 on K. R. Roll as Jessie Rose

Represented by Mellette & Smith, Vinita, Ok.


Ref to W. H. H.

C.

J.D. 5-11

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED
JUN 17 1901



ACTING CHAIRMAN

COMMISSIONERS:
HENRY L. DAWES,
TAMM DIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Nowata, Indian Territory, June 17th, 1901.

Received of the Commission to the Five Civilized Tribes,
in the matter of the application of Emily Nolen et al for enroll-
ment as Freedmen of the Cherokee Nation, one copy of the original
testimony of June 5th, 1901.

W. Elletts Smith

Attorney for Applicants'

Cherokee F. #D511.

Cherokee Freedmen
D-611

Muskogee, Indian Territory, March 22, 1904.

Emily Nolen,

Ruby, Indian Territory.

Dear Madam:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 11, 1904, rejecting, among others, your application for the enrollment of yourself and your minor child, Jessie Rose, as Cherokee freedmen. There has this day been forwarded to your attorney, Edgar Smith, Vinita, Indian Territory, a copy of the record of proceedings, together with a copy of the Commission's decision.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Register.

Enc. D-13.

Commissioner in Charge.

Cherokee Freedmen
D- 474 et al.

Muskogee, Indian Territory, March 22, 1904.

W. W. Hastings,

Attorney for Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 11, 1904, in the consolidated case of Robert Rose et al., rejecting the applications for the enrollment of Robert and James Rose, Jane, Chester, Frank, Bertha, Catherine, Curtis and Melvella Smith, Emily Nolan, Jessie Rose, Pearl Smith, Matilda Smith, Mary Blackburn, Jeff Dickson, Charles Rose, James, Myrtle, Mable, Minnie, Walter J., Ernesteen and Pearl L. Gilbert, Geneva Lynch, John Leoney, Prue Lynch, William and Daisy Rose, Cora, Clarence, David, Charles and Helen Morris as Cherokee freedmen.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Enc. D-24.

Commissioner in Charge.

Cherokee Freedmen
D-494 et al.

Muskogee, Indian Territory, March 22, 1904.

Edgar Smith,

Attorney for Robert Rose et al.,

Vinita, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the record of proceedings had in the consolidated case of Robert Rose et al., together with a copy of the Commission's decision, dated March 11, 1904, rejecting the applications for the enrollment of Robert and James Rose, Jane, Chester, Frank, Bertha, Catherine, Curtis and Melvola Smith, Emily Helen, Jessie Rose, Pearl Smith, Matilda Smith, Mary Blackburn, Jeff Dickson, Charles Rose, James, Myrtle, Mable, Minnie, Walter J., Ernesteen and Pearl L. Calbert, Geneva Lynch, John Leunty, Prue Lynch, William and Daisy Rose, Minerva Smith, Cera, Clarence, David, Charles and Helen Morris as Cherokee freedmen.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

T. S. Needles

Register.
Enc. D-494.

Commissioner in Charge.

Cherokee Freedmen
D-474 et al.

Washington, Indian Territory, March 22, 1904.

The Honorable

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the consolidated case of Robert Rose et al., including the Commission's decision, dated March 11, 1904, rejecting the applications for the enrollment of Robert and James Rose, Jane, Chester, Frank, Bertha, Catherine, Curtis and Melvina Smith, Emily Nolan, Jessie Rose, Pearl Smith, Matilda Smith, Mary Blackburn, Jeff Dickson, Charles Rose, James, Myrtle, Mable, Minnie, Walter J., Ernesteen and Pearl L. Gilbert, Geneva Lynch, John Leoney, Prue Lynch, William and Daisy Rose, Elvira Smith, Gera, Clarence, David, Charles and Helen Morris as Cherokee freedmen.

Respectfully,

J. E. Needles

Through the
Commissioner of Indian Affairs.

Commissioner in Charge.

Enc. D-25.

(COPY)

DEPARTMENT OF THE INTERIOR,

WASHINGTON, December 3, 1904.

V. C. F.
T. P.
PHE

N. C. 47303-1904.

I. T. D. 10738-1904.

IRS

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

March 22, 1904, you transmitted the record in the consolidated Cherokee freedman case of Robert Rase, et al (T. D. 474 et al), including your decision of March 11, 1904, which was adverse to the applicants.

Reporting on the matter October 18, 1904, the Acting Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

Due consideration has been given to a brief filed by the attorney for the applicants in the case.

The Department concurs in the Acting Commissioner's recommendation, and your decision is hereby affirmed.

Respectfully,

(Signed) Theo Ryan

Acting Secretary.

1 inclosure.

COPY.

Cherokee Freedmen
D-511.

Muskogee, Indian Territory, December 14, 1904.

Emily Nolen,

Ruby, Indian Territory.

Dear Madam:

You are hereby advised that the Commission's decision dated March 11, 1904, rejecting, among others, the application for the enrollment of yourself and your minor child, Jessie Rose, as Cherokee freedmen, was affirmed by the Secretary of the Interior on December 3, 1904.

Respectfully,

(SIGNED) *Tame Bixby.*

Chairman.

COPY.

Cherokee Freedmen
D-474, et al.

Washogee, Indian Territory, December 14, 1904.

Edgar Smith,

Attorney for Robert Rose, et al.,

Vinita, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated March 11, 1904, rejecting the applications for the enrollment of Robert, James, Jessie, Charles, William and Daisy Rose; Jane, Chester, Frank, Bertha, Catherine, Curtis, Melvora, Pearl, Matilda and Minora Smith; Emily Folen; Mary Blackburn; Jeff Dickson; James, Myrtle, Kable, Minnie, Walter J., Ernesteen and Pearl L. Colbert; Geneva and Prue Lynch; John Leoney, and Cera, Clarence, David, Charles and Helen Morris, as Cherokee freedmen, was affirmed by the Secretary of the Interior on December 2, 1904.

Respectfully,

(SIGNED): *Tamie Bixby.*
Chairman.

COPY.

Cherokee Freedmen
D-474, et al.

Muskogee, Indian Territory, December 14, 1904.

Bell, Hastings & Davenport,
Attorneys for the Cherokee Nation,
Vinita, Indian Territory.

Gentlemen:

You are hereby advised that the Commission's decision dated March 11, 1904, rejecting the applications for the enrollment of Robert, James, Jessie, Charles, William and Daisy Rose; Jane, Chester, Frank, Bertha, Catherine, Curtis, Melvora, Pearl, Matilda and Minora Smith; Emily Helen; Mary Blackburn; Jeff Dickson; James, Myrtle, Mable, Minnie, Walter J., Ernesteen and Pearl L. Colbert; Geneva and Prue Lynch; John Looney, and Cora, Clarence, David, Charles and Helen Morris, as Cherokee freedmen, was affirmed by the Secretary of the Interior on December 3, 1904.

Respectfully,

(SIGNED): *Tams Bixby.*
Chairman.

(C O P Y)

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,

WASHINGTON. October 18, 1904.

Refer in reply
to the following:

Land.

20182-1904.

71324-1904.

The Honorable

The Secretary of the Interior.

Sir:

I enclose herewith, a report from the Commission to the Five Civilized Tribes, dated March 22, 1904, transmitting the record of the consolidated applications for enrollment as Cherokee freedmen by John J. Rose for his minor children, Robert and James Rose; by Charles C. Smith for his wife, Jane, and minor children, Chester, Frank, Bertha, Catherine, Curtis and Melvella Smith; by Emily Wolen for herself and her minor child, Jessie Rose; by Pearl Smith for himself; by Matilda Smith for herself; by Mary Blackburn for herself and minor child, Jeff Dickson; by Charles Rose for himself; by James Colbert for himself and minor children, Myrtle, Mable, Minnie, Walter J., Earnestine and Pearl L. Colbert; by Geneva Lynch for herself and her minor children, John Leoney and Prue Lynch; by William Rose for himself; by William Rose for his minor child, Daisy Rose; by Elnera Smith for herself, and by Cora Morris for herself and minor children, Clarence, David, Charles and Helen Morris.

March 11, 1904, the Commission decided adversely to all the applicants.

The evidence shows that Jane Smith, Emily Nelson, formerly Rose, and James Colbert are the adult children of Matilda Colbert (formerly Lannenberg), deceased; that they were the slaves of Cherokee citizens at the beginning of the war of the rebellion and that they went to Kansas during said war. It is shown by evidence on behalf of the applicants, that Jane Smith, Emily Nelson and James Colbert returned to the Cherokee Nation with Harish Hayden after the war; that the Commission has decided that the said Harish Hayden did not return to and take up her residence in the Cherokee Nation until after 1873, which decision was approved by the Department on November 28, 1904 (I. T. D. 2908, 6242-1904).

It further appears that all the other applicants were born since 1864; that they are the descendants of, and claim right to enrollment through said Emily Nelson, Jane Smith or James Colbert and have no other rights except as such descendants.

The older applicants are identified on the Kern-Clifton and Wallace rolls, but none is identified on the 1880 authenticated Cherokee roll.

A brief (71324-1904), has been filed in the applicant's behalf, and the same has been carefully considered.

In view of the record the approval of the Commission's decision adverse to the applicants is recommended.

Very respectfully,

A. C. Tenner

Acting Commissioner,

Y.M.M.
W.

Muskogee, Indian Territory, March 19, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

This office is in receipt, by Departmental reference of March 10, 1906, for report and recommendation thereupon, of two letters from Jane Smith of Lenapah, Indian Territory, dated February 26, 1906, one addressed to the President and the other addressed to the Honorable Thos. J. Ryan, Assistant Secretary, in reference to the status of the citizenship and allotment selections in the Cherokee Nation of Emily Helen, Jane Smith, and James Gilbert. She states that "people are filing on our lands, selling and leasing to oil Co. and the Lenapah Oil and Gas Co. are now operating an oil well on our lands," and that they have been to the Dawes Commission and United States Indian Agent for protection. She asks to be advised if they will be allowed to file contest on their land, and if it is "in your power to protect us or to stop this Lenapah Oil and Gas Co." She further states that "our cases are yet pending and people are coming in and taking possession and going to work operating oil wells."

In reply you are respectfully advised the records of this office show that applications were made to the Commission to the Five Civilized Tribes for the enrollment of Jane Smith (D-514), James Colbert (D-520), and Emily Nolen (Nolen) (D-611), as Cherokee freedmen; that their applications were embraced in the consolidated applications for the enrollment as Cherokee freedmen of Robert Ross, et al. (D-474 et al), in which the Commission on March 11, 1904, decided adversely to all of the applicants, and that on December 3, 1904 (I.T.D. 10738-1904), the Commission's decision was duly affirmed by the Department.

The land which these persons claim is not described and this office is unable to advise the status thereof. The records of this office do not show that Jane Smith and Emily Nolen have ever applied for land as their allotments in the Cherokee Nation. The records do show, however, that on December 24, 1904, before the Cherokee Land Office of the Commission was notified of Departmental action in the case, James Colbert appeared before that Office and made application, with a view to instituting contest proceedings therefor, for the SW/4 of the NE/4 of the SE/4, and the W/2 of the SE/4 of the SW/4 of Section 18, Township 27 North, Range 15 East of the Indian Meridian, which land had theretofore been selected as a part of the allotment for Jennet Bowles, and the E/2 of the SE/4 of the SW/4, same Section, Township and Range, which had theretofore been selected as a part of

the allotment for Peggie Sanders; on behalf of his minor child, Myrtle Colbert, Lot 3 of Section 18, Township 27 North, Range 15 East, and the NE/4 of the SE/4 of Section 18, Township 27 North, Range 14 East, which had theretofore been selected as a part of the allotment for Eliza Ratcliff; on behalf of his minor child, Mable Colbert, the E/2 of the SE/4 of the SW/4, and the SE/4 of the NE/4 of the SW/4 of Section 18, Township 27 North, Range 15 East, theretofore selected as a part of the allotment of Jennet Nowles; the E/2 of the SE/4 of the SE/4 of Section 18, Township 27 North, Range 14 East, theretofore selected as a part of the allotment for Joe Waterdown, and the E/2 of the NW/4 of the SE/4, and the NE/4 of the NW/4 of the SE/4 of Section 18, Township 27 North, Range 15 East, theretofore selected as a part of the allotment for Geneva Wofford, and on behalf of his minor child, Minnie Colbert, the West 18.47 acres and the East 20 acres of Lot 2, Section 18, Township 27 North, Range 15 East, theretofore selected as a part of the allotment for Eliza Ratcliff, and the SE/4 of the SE/4 of the SW/4, and the E/2 of the SE/4 of the SW/4 of Section 18, Township 27 North, Range 14 East, theretofore selected as a part of the allotment for Ahnawake Waterdown.

The records further show that on January 16, 1905, the application made by James Colbert for the above described land was cancelled and the land regularly allotted to the respective parties above named, and certificates therefor have heretofore been issued.

The records of this office fail to show that any motion has been filed for review or rehearing of these cases, and, in the absence of anything to the contrary, it would not appear that they have any claim to land in the Cherokee Nation.

The letters above referred to are returned herewith.

Respectfully,

(Signed) *Wm C Ball*

Acting Commissioner.

Incl. 3-57

Through the

Commissioner of Indian Affairs.

(COPY)

DEPARTMENT OF THE INTERIOR

OFFICE OF INDIAN AFFAIRS
WASHINGTON.

Land.
25420-1906.

March 28, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to invite your attention to the enclosed letter of the 19th instant from William O. Beall, Acting Commissioner to the Five Civilized Tribes, wherein he says that his office is in receipt by Departmental reference of March 10, 1906 (I.T.D. 2553-1906), for report and recommendation thereon, of two letters from Jane Smith of Lemapah, Indian Territory, dated February 26, 1906, one addressed to the President, and the other to the Hon. Thomas Ryan, Assistant Secretary, concerning the status of the citizenship and allotment selections in the Cherokee Nation of Emily Helen, Jane Smith and James Gilbert.

In her letter Jane Smith says that, "People are filing on our lands, selling and leasing to Oil Co., and the Lemapah Oil & Gas Co. are now operating an oil well on our lands," and that they have been to the Commission to the Five Civilized Tribes and the Indian Agent for protection. She asks to be advised if the persons named will be allowed to file content on their land, and if it is "in your power to protect us or to stop this Lemapah Oil & Gas Co." She also

says that, "Our cases are yet pending and people are coming in and taking possession and going to work operating oil wells."

Reporting, Mr. Beall says that the records of the Commissioner's office show that applications were made to the Commission to the Five Civilized Tribes for the enrollment of Jane Smith and James Colbert and Emily Helen (Helen) as Cherokee freedmen; that their applications were embraced in the consolidated applications for the enrollment as Cherokee freedmen of Robert Ross, et al., in which the Commission, on March 11, 1904, decided adversely to all the applicants; and that on December 3, 1904, the Commission's decision was duly affirmed by the Department.

He also says that the land which these persons claim is not described and he is therefore unable to report on its status. The records of his Office do not show that Jane Smith and Emily Helen have ever applied for land as their allotments in the Cherokee Nation. The records of the Commissioner do show, however, that on December 24, 1904, before the Cherokee land office of the Commission was notified of the Departmental action in the case, James Colbert appeared before that office and made application, with a view to instituting contest proceedings therefor, for the SW/4 of the NE/4 of the SW/4, and the W/2 of the NE/4 of the SW/4 of Section 18, Township 27 North, Range 15 East of the Indian Meridian, which land had theretofore been selected as a part of the allotment for Jennet Beules, and the E/2 of the NE/4 of the SW/4, same Section, Township and Range, which had theretofore been selected as a part of

the allotment for Foggie Sanders; on behalf of his minor child, Myrtle Colbert, Lot 3 of Section 18, Township 27 North, Range 15 East, and the NE/4 of the SE/4 of Section 13, Township 27 North, Range 14 East, which had theretofore been selected as a part of the allotment for Elias Ratcliff; on behalf of his minor child, Mabel Colbert, the N/2 of the NE/4 of the SW/4, and the SE/4 of the NE/4 of the SW/4 of Section 18, Township 27 North, Range 15 East, theretofore selected as a part of the allotment of Jennet Bowles; the N/2 of the SE/4 of the SE/4 of Section 13, Township 27 North, Range 14 East, theretofore selected as a part of the allotment for Joe Waterdown, and the N/2 of the NW/4 of the SE/4, and the NW/4 of the NW/4 of the SE/4 of Section 18, Township 27 North, Range 15 East, theretofore selected as a part of the allotment for Geneva Wofford, and on behalf of his minor child, Minnie Colbert, the West 16.47 acres and the East 20 acres of Lot 2, Section 18, Township 27 North, Range 15 East, theretofore selected as a part of the allotment for Ella Ratcliff, and the SW/4 of the SE/4 of the SW/4, and the N/2 of the SE/4 of the SW/4 of Section 13, Township 27 North, Range 14 East, theretofore selected as a part of the allotment for Ahnawake Waterdown.

Mr. Beall adds that the records of the Commissioner further show that on January 16, 1906, the application made by James Colbert for the land above described was cancelled and the land regularly allotted to the respective parties named, and certificates therefor have been issued; that the records of the Commissioner's office fail to show that any action has been

filed for review or rehearing in these cases, and in the absence of anything to the contrary, it does not appear that Jane Smith, Emily Helen or James Colbert have any claim to land in the Cherokee Nation.

In view of the report of the Acting Commissioner, I recommend that Jane Smith be advised that since she and the other persons in behalf of whom she writes are not recognized citizens of the Cherokee Nation, that they have no rights to Cherokee lands and cannot be protected in their occupancy of such lands.

Very respectfully,

C. F. Larrabee

Acting Commissioner.

EBH-Y.

Y.P.

DEPARTMENT OF THE INTERIOR,

WASHINGTON.

FILE.

D.C. 12735-1906.
I.T.D. 2832-1906.
5194-1906.

April 4, 1906.

LRS

The Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

The Department is in receipt of the Acting Commissioner's letter of March 19, 1906, relative to two letters from Jane Smith concerning the status of the citizenship and allotment selections in the Cherokee nation of Emily Nolan, Jane Smith and James Colbert.

On March 30, 1906, you were advised of the filing of a motion to reopen the Cherokee enrollment case of Robert Ross, et al, with which were consolidated the cases of the parties above mentioned, and you were directed to take proper action to protect the applicants in such rights as they might have.

You will immediately advise all the principal applicants that they are at liberty to file contest, under the rules governing your office in similar cases, to protect their rights to any lands they may claim they would be entitled to in case a decision by the Department is rendered in their favor in the pending citizenship case. Advise W. J. Sullivan, of Muskogee, the party who filed the motion to reopen, heretofore, and advise any adverse claimants, promptly, of the filing of any application to

contest, and also the U. S. Indian Agent, Union Agency, in order that he may be fully informed in the case of any matter coming before him involving the land.

A copy of Indian Office letter of March 22, 1904, submitting the Acting Commissioner's report, is inclosed.

Respectfully,

Thos. Ryan

First Assistant Secretary.

2 inclosure.

Through the Commissioner
of Indian Affairs.

Cherokee
F R 636 et al.

Muskogee, Indian Territory, April 11, 1906.

Chief Clerk,

Cherokee Land Office.

Dear Sir:

There are inclosed herewith two copies of Departmental letter of April 4, 1906 (I.T.D. 2862-1906, 8194-1906), in reply to this office letter of March 19, 1906, relative to two letters from Jane Smith concerning the status of the citizenship and allotment selections in the Cherokee Nation of Emily Nolen, James Smith, and James Colbert. The Department refers to its letter to this office of March 30, 1906, advising that a motion has been filed to reopen the Cherokee freedman case of Robert Rose, et al., and instructs this office to advise all of the principal applicants in said case that they are at liberty to file contest under the rules governing this office in similar cases, to protect whatever rights they may have to any land in the Cherokee Nation.

The Department also directs that V. J. Sullivan of Muskogee, Indian Territory, the party who filed said motion, be advised of the Department's instructions, and also to promptly advise any adverse claimants of the filing of any application to institute contest, and the U. S. Indian Agent, Union Agency, in order that he may be fully informed in the case of any mat-

Chief Clerk--S.

ter coming before him involving the land.

The principal applicants in each of the Cherokee freedmen cases included in the consolidated case of Robert Ross, et al., and W. J. Sullivan of Muskogee, Indian Territory, have this day been advised of the Department's letter and notified if any land in the Cherokee Nation which they have heretofore held as the prospective allotments of themselves and family, should they be enrolled as Cherokee citizens, and on which they have permanent and valuable improvements has been selected in allotment by other citizens of the Cherokee Nation, they will be permitted to appear before the office of the Commissioner at the earliest practicable date and their applications to institute contest proceedings therefor will receive due consideration.

Respectfully,

Incl. 6L-11.
GHL

Acting Commissioner.

Cherokee
P. R. 636 et al.

Muskogee, Indian Territory, April 11, 1906.

W. J. Sullivan,

Attorney for Robert Rose, et al.,

Muskogee, Indian Territory.

Dear Sir:

The Department in its letter to this office of April 4, 1906, referring to its letter of March 30, 1906, in reference to the motion to reopen the Cherokee freedman enrollment case of Robert Rose, et al., instructs as follows:

"You will immediately advise all the principal applicants that they are at liberty to file protest, under the rules governing your office in similar cases, to protect their rights to any lands they may claim they would be entitled to in case a decision by the Department is rendered in their favor in the pending citizenship case."

You are advised that the principal applicants in each of the cases included in the consolidated case of Robert Rose, et al., has this day been notified that if land in the Cherokee Nation, which he has heretofore claimed as the prospective allotments for himself and the members of his family and on which he has permanent and valuable improvements, has been selected in allotment by other citizens of the Cherokee Nation, he will be permitted to appear before the offices of the Commissioner at the earliest practicable date and his ap-

W. J. Sullivan-2.

petition to institute contempt proceedings therefor will then receive due consideration.

For your information there is inclosed herewith a copy of Departmental letter referred to.

Respectfully,

Incl. GL-10.
OHL

Acting Commissioner.

Cherokee
F R 644.

Muskogee, Indian Territory, April 11, 1906.

Emily Nolen,

Ruby, Indian Territory.

Dear Madam:

In letter to this office of March 30, 1906, the Department advises that a motion had been filed to reopen the Cherokee freedman enrollment case of Robert Rose, et al., with which was consolidated your application for the enrollment of yourself and minor child as Cherokee freedmen. The Department in a letter of April 4, 1906, referring to said case, instructs this office as follows:

"You will immediately advise all the principal applicants that they are at liberty to file contest, under the rules governing your office in similar cases, to protect their rights to any lands they may claim they would be entitled to in case a decision by the Department is rendered in their favor in the pending citizenship case."

You are, therefore, hereby notified that if any land in the Cherokee Nation on which you have permanent and valuable improvements, and which you have heretofore held as your prospective allotments in the Cherokee Nation in the event you were enrolled as Cherokee freedmen, has been selected in allotment by other citizens of the Cherokee Nation, you will be permitted to appear before the offices of the Commissioner at the

Daily News-2.

earliest practicable date at which time your application to
institute contest proceedings therefor will receive due con-
sideration.

Respectfully,

ONE

Acting Commissioner.

Cher. Fr. R 645

Cher. Fr. R-645

Trans. from F.D 512

COM.

THE FIVE CIVILIZED TRIBES

FILED

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RECEIVED
JUN 11 1901
U.S. DEPT. OF THE INTERIOR
BUREAU OF INDIAN AFFAIRS

Department of the Interior,
Commission to the Five Civilized Tribes,
Chelsoa, I.T., June 5, 1901.

In the matter of the application of Emily Looney for the enrollment of herself and her husband, Tobe Looney, as Cherokee Freedmen.

I. N. Bledsoe, attorney for applicant;

J. S. Davenport, of counsel for Cherokee Nation.

Emily Looney, being duly sworn and examined by Commissioner Breckinridge, testified as follows:

Q Give me your name? A Emily Looney.

Q How old are you? A I am about 55.

Q What is your post office? A Coffeyville.

Q In what district do you live? A In Cowascooses.

Q You want to be enrolled as a Cherokee Freedman by intermarriage, do you? A Well, I claim a right by my marriage.

Q Do you want to apply for your husband? A Yes, sir.

Q You claim that he is a Cherokee Freedman of his own right?

A Yes, sir.

Q Have you and he any children you want to apply for? A No, sir, not any by him I haven't, I have some by my first husband.

Q Was your other husband a Cherokee Freedman? A No, sir, he is a United States Freedman.

Q You don't claim anything for these children? A No, sir.

Q You apply then for yourself and your husband? A Yes, sir.

Q When were you married to this husband? A I can't exactly tell you the date of the marriage.

Q Have you got a certificate? A Yes sir (hands Commissioner paper).

Q Give me the name of your husband? A Tobe Looney.

Commissioner: The applicants presents a certificate showing that Tobe Looney and Mrs. Emilie Swedater were united in marriage at Pryor Creek on the 25th day of March, 1891, by the Rev. Jos. Smith. This is an illuminated certificate and being duly identified and quoted, it is returned to the applicant at her request.

Mr. Davenport: The representatives of the Cherokee Nation object to the introduction of the certificate for the reason it shows no attempt to have complied with the Cherokee law relating to the marriage of foreigners, and for the further reason that there is no law providing for one adopted citizen to adopt another by marriage.

Q Well, have you and this husband lived together ever since you were married? A Yes, sir.

Q And all the time in the Cherokee Nation? A Yes, sir.

Q Were you ever married before you married this husband? A Yes, sir.

Q How many times? A Twice.

Q This is your third marriage? A Yes, sir.

Q Give me the name of your first husband? A Why Joe Burnett.

Q About when were you married to him? A Well, I can't just exactly tell you, but then it was directly after the war was ceased.

Q Where were you married to him? A In North Carolina.

Q He was a state man was he? A Yes, sir.

Q Well, is he dead? A Well, I can't tell you whether he is dead or not.

Q How long did you and he live together? A Well, I guess we lived together about a year.

Q And then you parted, did you? A Yes, sir.

Q Did you ever get a divorce from him? A No, sir.

Q There never was any divorce given to either one of you?

A No, sir, neither one.

Q Give me the name of your second husband? A Milton Johnson.

Q When did you marry him? How long after you parted from Burnett?

Emily Looney - 2.

A Well, it is about seven years.

Q Is Milton Johnson dead? A I can't tell you whether he is or not, he went away, I can't tell you anything about him.

Q He is a state man, is he? A Yes, sir.

Q Where did you marry him? A Emporia, Kansas.

Q How long did you and he live together? A Well, it was about three years, nearly four.

Q And then you parted? A Yes, sir; well, he got into a little difficulty, some things like men generally do, and of course it was disagreeable to me and we parted.

Q Was there ever any divorce between you? A No, I don't think there is, from the trouble he got into he left and then I never was married until seven years afterwards.

Q Well, after you and he parted then you married your present husband, did you? A Yes, this is my last husband.

Q And that is all the marrying you have ever done? A Yes, sir.

Q How did you happen to be mentioned in this license as Mrs. Swed-storf? A Well, when my brother was a slave, and after we got free, he came back and we lived with him and we all went under the name of his name.

Q You were never married to a man of that name? A No, sir, that was just his owner's name that he always kept.

Q How old is your husband? A My husband is now, well I guess he is somewhere about eighty years old; that is as near as I can come at it, between seventy and eighty, somewhere along there, as near as I can guess, I can't tell you.

Q How long had you known him when you married him in 1891? A I knew him about two years before we were married.

Q And that is all you know about him? A Yes, sir.

Steve Looney, being duly sworn and examined by Commissioner Breckinridge, testified as follows:

Q Give me your full name? A My name is Steve Looney.

Q How old are you? A About 58 as what I call myself.

Q What is your post office? A Coffeyville, Kansas.

Q Do you live in the Cherokee Nation? A Yes, sir.

Q How long have you lived in the Cherokee Nation? A Well, I was raised in the Cherokee Nation, all the time till up to the war.

Q Well, have you lived in the Cherokee Nation ever since you came back after the war? A Yes, sir.

Q Do you know Tobe Looney, the husband of this applicant?

A Yes, sir.

Q How long have you known him? A Known him all my life.

Q Was he a slave in the Cherokee Nation all the time the war broke out? A Yes, sir.

Q To whom did he belong? A Belonged to Betsy Looney.

Q Was she well known and recognized as a Cherokee citizen?

A Yes, sir.

Q Where did Betsy Looney live? A Lived on the Illinois River, up to White Oak Springs.

Q Well, where was Tobe Looney during the war? A During of the war, why he was up to Fort Scott, Kansas.

Q Is he kin to you? A Yes, sir.

Q What kin? A He is my uncle.

Q What time after the war did he come back to the Cherokee Nation?

A He came in the fall of '88.

Q You came with him? A Yes, sir.

Q To what point did you come? A We came on the Verdigris here.

Q Whereabouts on the Verdigris? A About four miles or more from George Neck Bend.

Q On what side of the Verdigris? A On the west side.

Emily Looney - 4.

Q Has he lived there ever since he came from Kansas just after the war? A Yes, sir.

Q Right at that place? A Yes, sir, living there yet.

The 1880 authenticated roll of Cherokee Freedmen examined and the applicants not identified thereon.

The 1898 census roll of Cherokee Freedmen examined and the applicants not identified thereon.

The Kern-Clifton roll examined, the applicants not identified thereon.

The Wallace roll examined and the applicant, Tobe Looney, identified thereon, Page 188, No. 8543, district not given; Emily Looney not on Wallace roll.

Q How does it happen that Tobe Looney is not on the roll of 1880, do you know anything about that? A Well, all I knows, he went down to Court and when we got there to apply they would tell us we were all right, to go back home.

Q That was down to Tahlequah? A Yes, sir, down to Tahlequah.

Q In 1870 or '71? A Yes, sir, must have been, the time Chief Bushyhead.

Q Who was the judge of the Court? A I can't tell you, we just went to Chief Bushyhead, that was the only man we knew, and we went to get information from him.

Q Did you talk to anybody besides Chief Bushyhead? A No, sir, not any Cherokee, just some freedmen.

Q Did you talk to any official? A No, sir, we didn't.

Q And he sent you off? A Yes, sir, he said to go back and go to farming, and stay at home, you are all right anyhow, that is what he informed us.

Q Chief Bushyhead is dead, isn't he? A I don't know whether he is or not.

Q You claim to have had a conversation with him at the time?

A Yes, sir, had a conversation with him right in the yard by the capitol.

Q You didn't go into the Court then? A No, sir.

Q Was Tobe Looney with you then? A No, sir, I don't think he was along.

Q Well I am talking about Tobe Looney, I am not taking your application; did Tobe Looney go with you at that time? A Yes, sir, Tobe Looney, there was several of us along.

Q Tobe Looney was with you then? A Yes, sir.

Q Did he talk with Chief Bushyhead the same as you did?

A Yes, sir, we were all talking with him.

Q And you all did the same thing? A Yes, sir.

Q And then you turned around and went home? A Yes, sir.

Q Tobe Looney is down here in a wagon sick now? A Yes, sir, he is down sick.

Q He can't come up and give evidence for himself? A No, sir, been down for years.

Q He is bed ridden? A Yes, sir, can't get out unless we help him out.

Mr. Bledsoe: Do you know that this woman Emily Looney has been living with Tobe continuously since they were married in 1881?

A Yes, sir.

Q Up to the present time? A Yes, sir.

Q They are still man and wife? A Yes, sir.

Mr. Davenport: Steve, do you know where Tobe went during the war, or was he out? A Time of the war, he went up to Fort Scott, Kansas.

Q Was you with him? A I was up there with him.

Q Did you go with him? A No, sir, I didn't go with him up there.

Q Where was he living at the time the war broke out? A We lived on the Illinois River.

Emily Looney - 4.

- Q To whom did he belong at that time? A Belonged to Betsey Looney.
- Q Did you belong to the same party? A Yes, sir.
- Q When you came back you came to what point in the Cherokee Nation?
- A We came on the Verdigris here.
- Q How far from Goose Neck Bend? A It is about between three and four miles.
- Q Well, who was living there when you came back? A There wasn't anyone living there.
- Q You were the first settlers in that country? A We were the first settlers in there.
- Q Wasn't there any Indians in there at all? A There was some Osage Indians.
- Q You came back before Nelson Murrell came? A We came with Nelson Murrell.
- Q And that was in '68 when you came? A Yes, sir.
- Q What makes you remember it was '68? A Because I remember it, the word came ~~xxxx~~ out for us to return back in that time, pretty near everybody had it.
- Q Do you know how long you stayed in Kansas after you heard that word, because you came? A Wasn't there very long.
- Q About how long? A I can't say exactly how long, maybe a year and maybe not that long.
- Q Stayed a year after you heard it? A I say I don't know whether we were or not, it was shortly after it.
- Q Something like a year was it? A Something like that, might have been.
- Q Now Steve, are you acquainted with John Kinney and Wells? A I might have seen them.
- Q They live up in that country? A They do now.
- Q Ed Campbell and Charlie live there now? A Yes, sir.
- Q They have been living there ever since the war? A No.
- Q They are Freedman and recognized by the Cherokee authorities are they? A Well, that is what they say they are.
- Q And you say you didn't put in any application to the Court there at Tahlequah? A Only just what I told you, just went there to see how that Court was and get information, they said it was open to try people.
- Q You been living up there on the Verdigris ever since the war, you claim? A Ever since '68 I have been living up there.
- Q Are you on any of the rolls of the Cherokee Nation?
- A I am on the Wallace roll.
- Q I am speaking about the rolls they have recognized you on? A Not that I know of.

Mr. Blaisoe: I have some certificates I would like to introduce (hands Commissioner papers.)

Commissioner: The applicant presents three permits issued by the Clerk of Cooweescoowee district to her husband, Tobe Looney, two of the year 1894 and one of the year 1898, authorizing him to employ a laborer. These permits are filed herewith.

Mr. Davenport: The representatives of the Cherokee Nation object to the introduction and consideration of the permits as testimony, because it does not tend to prove or disprove the fact of when the applicant returned to the Cherokee Nation, and it is immaterial in this case, and if the Clerk of Cooweescoowee district violated the law in so doing, it would not tend to prove any material fact in this case.

Mr. Blaisoe: Do you know of Tobe voting in the Cherokee Nation?

Mr. Davenport: I object to that.

Commissioner: You can ask him if you have seen Tobe Leoney voting.

Q Did you ever see Tobe Looney voting? A Yes, sir.

Emily Looney - 3.

Mr. Davenport: Where and when did you see Toke Looney vote? A Val I can't tell you just when, it was when this Cherokee Court was in session.

Q What Cherokee Court do you have reference to? A I mean when we were voting for Cherokee officers.

Q He voted in Coffeyville up here? A No, voted to Cooweescoowsee to Goose Neck Bend at the precinct.

Q You ever vote in Kansas? A No, sir.

Q Toke ever vote there? A No, sir.

Q You don't know what year it was that Toke voted? A No, sir.

Q Don't know who he voted for? A No, sir, I don't know, I think he was voting for Sam Hays.

Q Toke has been sick for some years, hasn't he? A Been sick for quite a while.

Mr. Davenport: I want to renew another objection to the marriage certificate. The representatives of the Cherokee Nation object to the introduction and consideration of the marriage certificate filed in evidence upon the application of the applicant's wife, Emily, for the reason, as shown by the date of the marriage certificate, there was a law in force in the Indian Territory requiring parties who desired to marry should procure a license from the United States Court in the Indian Territory where they were not both recognized citizens of the tribe, or where they didn't desire to marry a party who was a recognized citizen of the tribe; act of May 2, 1890.

Commissioner: The applicant applies for the enrollment of herself and husband. She claims only by intermarriage, she being, according to her testimony, a state woman. A certificate is cited in the testimony, showing that she and her husband were united in marriage in 1891, and the testimony shows that they have lived together in the Cherokee Nation ever since their marriage. Attention is called to the protests made by the Cherokee Representative in regard to the introduction of the marriage certificate, but regardless of the status of the applicant's husband, it is shown that the applicant was twice married previous to her present marriage, once in the State of North Carolina and once in the State of Kansas, that neither of her former husbands was a Cherokee citizen; that both of them may be living now; that she parted from them and did not procure a divorce from either one of them. Therefore, it is evident that the applicant could not obtain rights under her present husband, even if the Cherokee law permitted the right by intermarriage between a Freedman and a non citizen, and whatever may be the status of his own right of her husband. She will therefore be listed for enrollment as a Cherokee Freedman by intermarriage on a rejected card.

As for her husband, who is stated to be somewhere between seventy and eighty years of age, and bed ridden and unable to apply for himself, he is identified on the Wallace roll, but not upon the roll of 1880, or upon that of 1896 or upon the Kerd-Whifton roll. It is not deemed necessary to go into the question of his former marriages at this time, but only to consider his own right. He seems to have been a Cherokee slave at the beginning of the Civil war, and to have gone or been taken to the State of Kansas. The applicant herself knows nothing of her husband's status prior to about two years previous to her marriage to him. The only witness introduced in the case, Steve Looney, is shown by his own testimony to be a disputed Cherokee Freedman, and he has stated that he came to the Cherokee Nation from the State of Kansas about

Reuben Looney - 2.

was seen after hearing of the treaty of 1866, and that Reuben Looney, the applicant's husband, came with him. There is filed herewith, against the protest of the Cherokee representative, three certificates issued by the Clerk of the Cherokee district authorizing the applicant's husband to employ a laborer. Under the facts stated, it does not appear that Reuben Looney has any right to enrollment at this time, but giving him the benefit of any doubt that may exist, he will be present be listed for enrollment as a Cherokee Freedman on a doubtful card. The final decision of the Commission will be made known to the applicant's husband at his next office address.

Brace G. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Brace G. Jones

Sworn to and subscribed before me this 28th of June, 1901.

[Signature]
Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

AUG 20 1901



2024-11-17

Department of the Interior,
Commission to the Five Civilized Tribes,
Shelton, I. T., June 5, 1901.

In the matter of the application of Steve Looney for the enrollment of himself, and his wife, Peggy Looney, as Cherokee Freedmen: he being sworn and examined by Commissioner G. M. Breckinridge, testified as follows: I. P. Hiedra, Agent for Applicant.

(Testimony of Nelson Marshall, as given in above application)

NELSON MARSHALL, being sworn and examined by Commissioner Breckinridge, testified as follows:

- Q Give me your full name? A Nelson Marshall.
Q How old are you? A 77, soon will be.
Q What is your postoffice? A Cornsbyville.
Q How long do you claim to have lived in the Cherokee Nation?
A All my life.
Q Were you out during the war? A Yes sir.
Q Do you know the applicant here, Steve Looney? A Yes, sir.
Q How long have you known him? A About 45 years if my memory serves me right.
Q Was he a slave in the Cherokee Nation at the time the war broke out? A Yes, sir.
Q To whom did he belong? A He belonged to Betty Looney.
Q Did you know him up in Kansas during the war? A Yes sir.
Q Did you come back with him? A Yes sir.
Q When you came back from Kansas? A He came back with me.
Q Was that the first time you came to the Cherokee Nation after the war? A No, sir.
Q When had you been to the Cherokee Nation before that visit?
A I had been back to the Nation in February '75.
Q You don't mean February '75? A No sir, I mean February '85; I made a mistake.
Q Where did you come the first time? A I came up on the Verdigris.
Q Is that where you are living now? A Close by where I am living now.
Q Did you make any improvement when you came at that time? A Yes sir, I built a cabin.
Q Had the war been declared over? A Yes sir.
Q Did you wait until you heard the army had all surrendered and the fighting stopped? A Yes sir.
Q Well, now how long did you stay in the Cherokee Nation that visit?
A Well, I stayed about three weeks, I guess, and maybe four at that time.
Q And what did you do? A Well I peddled out some flour.
Q Where did you go after this visit? A I went back to Kansas.
Q When did you come back the next time? A I came back the next time in July.
Q Of the same year? A Yes sir.
Q What did you do then? A Put up some hay.
Q How long did you stay that time? A I stayed about one month, near about one month, somewhere along there.
Q And then where did you go? A I went back to Bourbon County, Kansas.
Q And then did you come to the Cherokee Nation again? A Back in the fall.
Q In the fall of the same year? A Yes sir.
Q How long did you stay then? A I stayed then all the time. I brought my family and effects all at that time.
Q That was the time you brought your family and all your effects?
A Yes sir.
Q Who came with you at that time? A This man here, Steve Looney.
Q Did his wife come along with him? A Yes sir.

Q Was that the first time they had come down? A No, he has been down once before, this man to my knowledge.

Q How do you know he had been down before? A Because he had been in my neighborhood.

Q When had he been down before? A Well, he came down about the same time in July when I was down.

Q What did he do down here? A Come and picked his claim out.

Q What improvements did he make? A He stuck up some poles on his place where he had expected to come to.

Q And what else? A They didn't do much else that time.

Q How long did he stay? A He stayed maybe one month.

Q What did he do then? A He went back to Kansas.

Q Where were you when you first heard of the treaty of '66? A I was up in Bourbon County, Kansas.

Q Where were your family at that time? A Up there with me.

Q Had you brought your family to the Cherokee Nation before you heard of that treaty? A No sir.

Q How long after you heard of that treaty before you brought your family? A I brought them down in the fall of 1866; that was when I brought them.

Q Did this man and his wife come with you when you brought your family? A Yes sir, when I brought my family he came with me then.

Q Came along together? A Yes sir.

Q What improvements were in the country at the time you brought your family? A There were some cabins scattered about in a few places; some few houses.

Q What houses were in the neighborhood where you and he settled, did you and he settle in the same neighborhood? A He settled about four miles from me.

Q What cabins were in that neighborhood? A There weren't any - not when I brought my family.

Q There wasn't any in where he settled down in his settlement?

A He was the first settler on that side of the river.

Q Were there some in your settlement? A Yes sir.

By I. F. Bledsoe: Do you know when the treaty was made, Nelson?

A Yes sir.

Q When? A No, I don't know exactly when it was made; I can't tell that.

Q Then if Steve Looney states that it was a year after the treaty was made that he came back here he is mistaken in the dates, aint he?

A Yes sir.

Q He came with you in the fall of '66 did he? A Yes sir.

Q You are positive of that? A Yes sir.

Commissioner: Who came the same time you brought your family?

A Steve Looney, Ike Looney, Jacob Ross, Esau Fox, Moses Gibson.

Q Did Joe Ross come? A Joe Ross came with me the first time.

Q Did he bring his family the same time you brought yours? A Yes sir.

Q The same time Steve Looney brought his? A Yes sir.

Q Anybody else? A That is all I can remember.

Q They came that time? A There may be others, but I can't remember.

By I. F. Bledsoe: Was Dave Ross along? A Yes sir.

Commissioner: Did Dave Ross come too? A Yes sir.

Q Was he with you? A Steve Looney.

I. F. Bledsoe: Do you know Dave Ross' wife? A I know of her; I am not acquainted with her.

Q Was she along in the crowd with Steve Looney? A Yes sir.

J. S. Davenport: Nelson, you are the same Nelson Murrell that testified the other day in the Acres Adair case? A Yes sir.

Q And you are one of a committee of the claimants to look after and get up evidence and present to the Commission in their cases, are you? A No sir, I don't recollect that we did; I am a member

of the organization.

Q That is what I am asking you about? A Yes sir.

Q You are a member of it now? A Yes sir.

Q You came back with Steve, you say? A Yes sir.

Q And you don't know when that was except that you claim it was '88? A Yes sir.

Q Do you know where Steve was living when the war broke out? A Yes sir.

Q Where was he living? A On Mill Creek, Newton County.

Q When the war broke out? A At Park Hill.

Q How far were you living from Steve? A About five miles.

Q How far were you living from his wife? A Peggy Leoney? About one mile.

Q You were living on the old Murrell place and she was living on the old Ross place about three hundred yards apart? A About one mile apart.

Q And she went to Kansas with Steve instead of going with Ross. Did she go with Ross or with Steve to Kansas? A I don't recollect; it seems she went with Steve.

Q You went along too didn't you? A No, I didn't go with them.

Q When did you meet Mrs. Peggy after the war broke out? A In Fort Scott Kansas.

Q She was with Steve then? A Yes sir.

Q When you first came down you were peddling flour when you first came down - who were you selling flour to? A I was selling it to Osage Indians.

Q And you came back the next year to make hay? A Yes sir.

Q How did you cut it? A I made it with Armstrong.

Q You cut up your hay and left it and went back to Kansas?

A Yes, sir.

Q And then came back that fall? A Yes sir.

Q Were there any roads through that section of the country then?

A No sir, there was what they called the west trail road.

Q Where did it lead to? A To the Osage Nation, and down to Chatopa; that was on the trail road.

Q Was Chatopa there that time? A No sir.

Q Then it didn't lead to Chatopa? A It lead to there - one road did.

Q You quit the main military road that led from Fort Scott to the Cherokee Nation and went in the west part of the Osage Nation?

A Yes sir.

Q Was that in the Cherokee Nation at that time, or part of the Osage Nation? A Part of the Osage Nation.

Q Goose-neck country was part of the Osage Nation? A No sir.

Q Didn't the Osages occupy it then instead of Cherokees? A No sir.

Q Did it belong to the Cherokee Nation or Osage Nation? A It belonged to the Cherokee Nation; Osages were only camping there.

Q Was that before the Osage war? A Did they have a war?

Q Don't you remember when they had a war with the Cherokees? A That was a long time at Claremore.

Q I believe you said you belonged to George Murrell? A Yes sir, I belonged to George Murrell.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a full, true and correct transcript of his stenographic notes thereof.

Signed, E. G. Rothensberger.
Subscribed and sworn to before me this 9th day of June, 1901.

Signed, G. R. Breckinridge,
Commissioner.

Bruce F. Jones, being duly sworn, says that as commissioner of the Commission to the Five Civilized Tribes he collected the foregoing and that the same is a true and correct copy from the original.

Given at and subscribed before me this 2nd day of August, 1901.

COMMISSIONER OF THE COMMISSION TO THE FIVE CIVILIZED TRIBES
DEPT. OF THE INTERIOR

Bruce F. Jones
[Signature]

1001/1-50000

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
JUN 26 1901

Department of the Interior,
Commission to the Five Civilized Tribes,
Washington, D. C.

In the matter of the application of Tobacco for a license to sell and distribute his goods and services within the Five Civilized Tribes.

The following is a statement of the facts as presented by the applicant:

Tobacco is a native of the Five Civilized Tribes and has been residing in the same for many years. He is a man of good character and has been engaged in the business of selling and distributing his goods and services within the Five Civilized Tribes for many years.

He desires to be licensed to sell and distribute his goods and services within the Five Civilized Tribes.

[Signature]
Tobacco

RECORDED
INDEXED

Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I.T., June 12, 1901.

In the matter of the application of Tebe Looney for the enrollment of himself et al. as Cherokee Freedmen.

O R D E R .

The testimony of Frances Patterson, taken this day in the matter of the application of Rufus Ross for enrollment as a Cherokee Freedman will be made part of the record in the application of Tebe Looney et al. and Steve Looney et al., who have been listed for enrollment on Doubtful cards 519 and 519 respectively. A copy of the testimony of the said Patterson will be made part of the record in the cases of Steve Looney and Tebe Looney.

By order of the Commission.



Commissioner.

consequently the testimony in the above case, and the foregoing is a
the commission to the five civilized tribes, recorded the
Breed O. Jones, being with some other persons as standers by to

money, then as I have. A left you but we there, you Cherokee.
Q You think you have no much right to go on the roll and draw
I draw with you Cherokees, you know it.
Q Was you on the 1880 roll? A Yes, sir, I was on the 1880 roll.
Q How long has you been here? A I can't tell you.

that.
Q Now to the territory? A Yes; I had been here a long while before
Q Was that before or since the Horse Creek killing that you started
lost your land and we came this way.

A We were killed when we were at Antlers, they came around a
night, in the time they had this killing over here near Antlers.
Mr. Davidson: At the time this was a fight, started from Fort
Q I can't know.

Q Do you know whether she was on the 1880 roll or not?
A Yes, sir.

named Campbell, some person not a Cherokee named Willie Campbell,
Mr. Bishop: Do you know Mrs. Campbell? Was her son a fighter
Q Was the soldier training there then? A Yes, sir, it was.
Q There was a lot of Cherokees there then.

Q That site place was where they? A I was a small place,
the Cherokee Nation. A Yes, sir.
Mr. Davidson: Did you ever go there as you came from west coast
Georgia Creek.

Antlers, and they came on steam, the train, and I took a place on
and Peter Williams, and they had a small train and we went through on

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILE
JUL 24 1900

Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I.T., June 19, 1901.

In the matter of the application of Rufus Ross for enrollment
as a Cherokee Freedman.

Appearances:

I. P. Bledsoe, agent for applicant:
J. S. Davenport, Cherokee attorney.

FRANCIS PATTERSON, being duly sworn by Commissioner Needles,
testified as follows:

Mr. Bledsoe: What is your name? A Francis Patterson.

Q About how old are you? A About 40.

Q What is your postoffice? A My postoffice is here at Nowata now.

Q Do you know Rufus Ross, the applicant here? A Yes, sir, I
knowed the children.

Q Do you know who his father and mother were? A Dave Ross was
his father.

Q Who was his mother? A I never could call his mother's name.

Q Nancy Ross, do you think? (No response.)

Q Do you know where he has lived? A Yes, sir, when I seen him
he was with their grandmother, Peggy Ross.

Q Whereabouts? A Down on the river.

Q Cherokee Nation? A Yes, sir.

Q When did you see this child? A Well, it was in 1880.

Q Along about 1880? A Yes, sir.

Q You don't know anything about where he lived up to that time?

A No, sir.

Q You don't know where they or their people were living when
they were born? A I know where his grandmother lived.

Q I am speaking about where his mother lived when he was born?

A No, sir, I don't know anything about them until I saw them out
at my brother's house.

Q How far did they live from you? A I guess it is about 15
miles; I lived on Cabin Creek and they lived on Verdigris.

Q Is he a married man? A No, sir, not as I know of.

Q Does he live with his grandmother yet? A Yes, sir, when I
saw him he was there.

Q How long since you were up in that country there? A I was up
there last year; my brother lives there.

Q Do you know where they get their mail? A At that little station,
I can't call the name of it, there on Possum Creek I guess.

Q They don't live in Geffeyville then? A No, sir, their mother
lives out there close to my brother's house on the hill.

Mr. Bledsoe: Do you know when Dave and his mother came to this
country? A No, sir.

Q You don't know when he came back? A No, sir, I don't know
when he came back here, but I know when they started from there.

Q From where? A Fort Scott.

Q When was that? A It was a little after the '86 treaty.

Q And they started from there to do what? A To come to the Nation.

Q You came down to the Nation yourself, didn't you? A Yes, sir.

Q What, what time? A Just after the treaty was made.

Q These people then started from Fort Scott as I understand you
to come to the Nation at the same time you did? A Yes, sir, we
came down here on Grand River and they went a nearer place.

Q And Dave Ross, father of this boy, was in the crowd? A All of
them was together.

Q What do you mean by all of them? A My brother Steve, he was a
lawyer then, his mistress is named Eliza Looney, she owned us all.

Q Who else was in that crowd, besides Steve Looney and you, and

Dave: Was Robe Leoney in the crowd? A Whole Robe Leoney and Steve and Peter Williams, and they all split up and we went around by Vinita, and they came on around this way, and I took a place on Cabin Creek.

Mr. Davenport: Did you come by Chetopa as you came from Fort Scott to the Cherokee Nation? A Yes, sir.

Q What size place was Chetopa then? A It was a small place, there was a lot of Cherokees there then.

Q Was the railroad running there then? A No, sir, it wasn't.

Mr. Elsdon: Do you know Mrs. Campbell; has Robe got a daughter named Campbell, Robe Leoney got a daughter named Millie Campbell?

A Yes, sir.

Q Do you know whether she is on the 1880 roll or not?

A I don't know.

Mr. Davenport: At the time this boy's father started from Fort Scott, is that the time they had this killing over here near Vinita?

A He wasn't killed when we were at Vinita, they came around by Fort Scott and we came this way.

Q Was that before or after the Horse Creek killing that you started back to the Territory? A No; I had been here a good while before that.

Q How long have you been here? A I can't tell you.

Q Are you on the 1880 roll? A Yes, sir, I am on the 1880 roll, I drew with you Cherokees, you know it.

Q You think you have as much right to be on the roll and draw money then as I have? A Well you put me there, you Cherokees.

• • • • •
Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C. Jones

Sworn to and subscribed before me this the 22nd of July, 1901.

J. D. H. S.

Commissioner.

LET'S GO HOME NOW

THE UNIVERSITY OF CHICAGO

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File with the case of Toke Looney C. F. D. 512.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T. October 15, 1901.

SUPPLEMENTAL TESTIMONY in the matter of the application of Daniel Thompson et al, C. F. D. #308.

Appearances:

James S. Davenport, for the Cherokee Nation
Mallette & Smith for the ~~case~~ applicant.

T. W. Thompson, being first duly sworn by Com'r T. B. Needles, testified as follows on the part of the Cherokee Nation-

- (By Davenport)
- Q What is your name? A T. W. Thompson.
- Q Where do you live? A 3 miles south of Vinita.
- Q What is your age? A 54.
- Q How long have you lived in the Cherokee Nation? A All my life.
- Q Do you know the applicant in this case, Daniel Thompson? A Yes sir.
- Q Did you know him before the war? A Yes sir.
- Q Do you know where he went during the war? A I think he went north to Kansas.
- Q Where did your family go during the war? A To Red River.
- Q Cherokee Nation? A Chickasaw Nation.
- Q When did you return to this country? A In the fall of '66, in October.
- Q Did this applicant go with your family? A He never was with us during the war.
- Q When your family returned to the Cherokee Nation where did they locate? A On Grand river, 12 or 15 miles east of here.
- Q How far from where they had originally lived? A Same place.
- Q Was the applicant there when you returned? A No sir.
- Q When did you first see the applicant after the war? A Here in Vinita, I can't tell exactly the time.
- Q With reference to the time the railroad was here when was it? A The day was here, I think.
- Q About what year was it? A As well as I remember it was in '71 or '72.
- Q Had the applicant prior to that time ever lived on your place on Grand river? A No sir.
- Q Had you any conversation with him in regard to where he lived or when he came back? A No sir.
- Q Where was he living at that time? A On Big Creek, he told me.
- Q Did he say then that he had been living on Grand river at the old place? A No sir.
- Q You had always lived on the old place since your return? A Yes sir.
- Q Same place you lived on prior to the breaking out of the war? A Yes sir.
- Q Had the applicant been there after the war - to your house? A Not that I know of.
- Q You saw him here in Vinita for the first time after the war? A Yes sir.
- Q Did he come to your house at that time? A He came to my father's house and stand a day or two with my father.
- (By Smith)
- Q What was your father's name? A Jonathan Thompson.
- Q Is he a Cherokee? A Yes sir.
- Q By blood? A Yes sir.
- Q A recognized citizen of the Cherokee Nation? A Yes sir.
- Q Did he own Daniel Thompson before the war? A Yes sir.
- Q Was Daniel Thompson with your father when the war commenced? A Yes sir.
- Q What time did you get back here after the war? A October, '66.
- Q You came to what place? A Our old place.
- Q How far from where Vinita is now? A 12 or 15 miles.
- Q How old were you then? A 15 years old.

Q Just a boy? A Yes sir.
 Q From the time that you came back to your old place, for the following two years, where were you? A I was there - I went to school one or two sessions at Pae Ridge, Arkansas.
 Q Then you don't know if this applicant was there during that time or not, while you were away at school? A Not while I was away.
 Q All you know is that the first time you saw him was in '71? A Yes sir.
 Q You don't know how long he had then been in the Cherokee Nation? A No sir.
 Q You don't know where he was during his stay? A No sir.
 Q When were you at school? A In '67, in the fall.
 Q You was at home then from '66 to the fall of '67? A Yes sir.
 Q You never saw the applicant there then? A No sir.
 Q Never heard of him being there did you?
 BY MR. SMITH: I object to him stating what he might have heard.
 (By Smith of witness.)
 Q All you know is that you never saw this applicant until in '71 or '72? A Yes sir.
 Q Before that time you don't know where he was? A No sir.

DAVID STINGER, being first duly sworn by G. B. Needles, testified as follows on the part of the Cherokee Nation:
 (By Davenport.)
 Q What is your name? A David Stinger.
 Q Where do you live? A On Big Creek, Cherokee Nation.
 Q How old are you? A 30.
 Q How long have you lived in the neighborhood of Big Creek in the Cherokee Nation? A About 26 years.
 Q Do you know the applicant here, Daniel Richmond? A Yes sir.
 Q How long have you known him? A Since '72.
 Q Where did you first see him? A I saw him in the Territory on the east branch of Big Creek.
 Q What was he doing when you saw him? A Just commenced making a farm there.
 Q Did you have a conversation with him then? A Yes sir.
 Q What was that conversation? A He told me that he used to live here and was owned here, and that he went to Kansas, and thought he would come back because he was owned here - thought he would come back home as he called it.
 Q Did he have a family with him then? A Yes sir.
 Q What year was that? A I think in '78.
 Q What improvements had he made then? A Nothing, he was just in a wagon there.
 Q Did he say when he had gone to Kansas? A No, I don't know anything about that.
 Q Was anything else said about his having been in the Cherokee Nation before that? A I don't think there was.
 Q How many children did he have then? A Two.
 Q What were their names? A Sandy and Nandy.
 Q Were they both with him? A Yes sir.
 Q Did he afterwards make a place there? A Yes sir.
 Q Where has he been living since? A Right there all the time.
 Q What year was this you say he came there? A '72.
 (By Smith.)
 Q You know that he has been living there continuously ever since '72 in the Cherokee Nation? A Yes sir.
 Q How long had you been there in '72? A I came there in '72.
 Q Where from? A Peoria, Illinois.
 Q Had you ever been in the Cherokee Nation prior to '71? A No sir.

Q You don't know where this man Daniel Thompson was in 1870? A No I don't know that.

Q You don't know where he was in 1867? A No sir.

Q Or in '69? A No sir.

Q Or in '67? A No sir.

Q Or in '66? A No sir.

Q Or in '65? A No sir.

Q You don't know when he first returned to the Cherokee Nation after the war? A He told me then that he had returned then from Kansas.

Q You don't know whether he had been here before that or not? No sir he said he was owned here before the war.

Q You don't know when he first came here after the war? A No sir, only that time.

Q He might have been here before that and you don't know it? A I wasn't here before the time I state and can't tell nothing about except when I was here.

(By Davenport)

Q Was he living there when you came there in '71? A No sir.

Q He said he came from Kansas when you saw him there? A Yes sir, and that he had educated his children in Kansas and was moving back home.

WILLIAM NOBLE, being first duly sworn by Sam'l T. B. Needles, testified as follows on the part of the Cherokee Nation:

(By Davenport)

Q What is your name? A William Noble.

Q Where do you live? A On Big Creek, Indian Territory.

Q Cherokee Nation? A Yes sir.

Q How long have you lived in the Cherokee Nation, Mr. Noble? A I think I came to the Cherokee Nation in the summer of '64.

Q How long have you lived on Big Creek? A Ever since the fall of '64 I think I went there then or in the spring of '65.

Q Do you know the applicant here, Daniel Thompson? A Yes sir.

Q How long have you known him? A Good many years, I can't say exactly how long, I think he moved in there on Big Creek right close to me, I think he came from Kansas there in the fall of '73, and he has lived there ever since.

Q Did he settle a place there when he came down? A Yes sir.

Q How far from you? A Two and a half miles.

Q Do you remember seeing him when he came down there? A He was building when I first saw him, he had moved in there and commenced putting up a house.

Q Did he have his family with him? A Yes sir.

Q Children? A Wife and three children.

Q Did you have any conversation with him? A Yes sir, he told me he just moved in from Kansas.

Q Did he tell you that he was a slave here before the war? A Yes sir, not right then but after that he told me that he had been a slave of Johnson Thompson and that he was going to see him.

(By Smith)

Q When did you first come to the Cherokee Nation after the war? A In '64.

Q Were you in the army? A Yes sir.

Q When were you discharged from the army? A I was discharged, I think it was in '63.

Q In what? A '63.

Q Were you discharged before the war closed? A No sir.

Q But you think it was in '63 that you were discharged? A I believe it was.

Q In '61 maybe? A Somewhere along there.

Q Somewhere in '61 or '62? A Yes sir.

Q You testified Saturday last in the Josh Vann case didn't you? A Yes sir.

Q Didn't you say then that you were discharged in the year '65 from

the army? A I dont think I did, I think I said I didn't know exactly.

Q Didn't you in that case come back and make a correction in your testimony as to the length of time that you had been here since you came after you were discharged from the army? A Yes sir.

Q When you came back to make that correction, didn't you say that you were discharged in '68 and that you were discharged after the war closed? A I think I was discharged in '62.

Q I am not asking you when you were discharged, I am asking you what you said then? A I don't think I did.

Q When did the war close, what year? A I think it was in '61, wasn't it?

Q When did it commence? A You are just a little ahead of me when it commenced, I dont recollect it.

Q You were not discharged from the army until the war was over were you? A No sir, I was discharged twice, the last time the war was over.

Q What did they discharged you for the first time? A Three years service.

Q Then you went back the second time? A Yes sir.

Q How long did you stay then? A Two years.

Q How long did that war last? A Five years, wasn't it?

Q How long was it after you were discharged the last time before you come to the Cherokee Nation? A I think it was about three years, two and a half or three years.

Q What year did you get here? A In the spring of '68.

Q You were discharged the last time after the war had closed and you didn't come to the Cherokee Nation for two and a half or three years after you were discharged from the army, is that right? A Yes sir.

Q And you are certain you were discharged from the army after the war was over? A Yes sir.

Q And you got here in '68? A Yes sir.

Q Now how did you do that? I went from Louisville, Kentucky where I was discharged, to Iowa, and from Iowa to Kansas and from Kansas here.

Q You don't really know anything about this applicant do you? A Only from my papers, it shows that I had some trading with him in '72.

Q You dont know how long he had been here before that? A No sir.

Q You dont know when he came here? A No sir, except when he came to Big Creek.

(By Davenport)

Q You dont know when the war began? A No sir.

Q Nor when it closed? A No sir.

Q Had Dave Stinger come to your place before Daniel Thompson come on Big Creek? A Yes sir.

(By Smith)

Q Where did you go after you were discharged? A Iowa.

Q Where did you go then? A Kansas.

Q Where did you stop in Kansas? A Neosho ~~Miss~~ River, between the mouth of Cherry and Fly Creeks on a creek called Short creek.

Q Did you have any trouble up at Chatopa? A No sir.

Q Were you never arrested in Kansas? A No sir.

Q Do you remember a man named Sage in Chatopa? I dont remember, I am not acquainted with him.

Q Didn't you have any trouble with him and get arrested? A No sir.

Q Didn't he have you arrested? A I dont think so.

Q Don't you know? A I know I wasn't arrested there.

Q Have you ever been arrested at all? A Yes sir.

Q Where? A In the Cherokee Nation.

Q What for? A Cattle stealing.

(By Davenport)

Q What became of that case? A It was taken to Fort Smith and went before the Grand Jury and they didn't find any bill against me.

(By Smith)

Q Are you a citizen of the Cherokee Nation? A Yes sir.

PARALLEL
This testimony will be filed with the original deposition of Daniel Thompson, Charles Freeman, D-44, and also in U. S. D. cases D-223 and D-225 and their subsergents.

Chas. von Weise, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cases and that the foregoing is a full, true and correct transcript of his stenographic notes therein.

Subscribed and sworn to before me this 17th of October, 1901.

Chas. von Weise


Commissioner.

WALLEY

John Loney, C. F. D. No. 112

Department of the Interior,
Commissioner to the Five Civilized Tribes,
Wash., D. C. October, 28th 1901.

In the matter of the application of George Ward et al., C. F. D. #207
SUPPLEMENTAL TESTIMONY

Appearances:

W. W. Hastings for the Cherokee Nation.
Mollate & Smith for the applicants

By Mr. Hastings: I desire to file a certificate from J. A. Gady, County Clerk of Linn County, Kansas, showing that from the Assessment rolls of Mound City Township in Linn County Kansas, for the year 1867, there appears the following: "Peter Ward, one female dog."

By Mr. Smith: The applicants object to the introduction in evidence of the above mentioned instrument, because it appears from the face that the same is not a certified copy of any record, but a statement of one J. A. Gady, certified to by him, the same not being within the rules of law in this jurisdiction in regard to the introduction of certified copies of records, and not being the best evidence, and for the further reason that the person named therein is in no way identified with the applicant in this case.

By Commissioner C. E. Brockinridge: The document in question will be filed in this case, the objection of counsel for the applicant will be noted and the matter will receive the further consideration of the Commission.

=====

State of Kansas: ss.
County of Linn :

I, J. A. Gady, County Clerk within and for the above named County and State, do hereby certify that I have examined the Assessment rolls of Mound City Township in Linn County, Kansas, for the year 1867 and find that Peter Ward is listed on said rolls as follows: "Peter Ward, one female dog." said entry is on page 75 of said rolls. Said assessment rolls were filed in the office of said County Clerk on July 1, 1867, and said assessment and list of property owners was taken during the month of March, 1867, and based upon residence of said County for March 1, 1867, by said assessor.

Witness my hand and official seal at Mound City, Kansas, this 28th day of October, A. D. 1901.

(Signed) J. A. Gady
County Clerk of Linn County, Kansas.

=====

By Commissioner Brockinridge: In the matter of the foregoing alleged certificate of the records of Linn County, Kansas, it is directed that copies of the alleged certificate and the objection to their filing of Counsel for the applicants, be filed in the cases to which this case refers and all subreferences thereto as found upon the records of this Commission.

Chas. von Weiss, being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the above proceedings, and that the above copy of the certificate filed in this connection is a true and correct copy of the original, and further that the above is a full and correct transcript of his stenographic notes in said proceedings.

Subscribed and sworn to before me this 28th of October, 1901.

[Signature]

Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

305.

In the matter of the application of Huan Fox, et al., for enrollment as Cherokee Freedmen, consolidating the applications of

| | | |
|----------------------------|-------------------|-------|
| Huan Fox, et al.,..... | Cherokee Freedmen | D 506 |
| Tobe Leoney,..... | " | D 512 |
| Eliza Leoney,..... | " | D 537 |
| Frank Leoney,..... | " | D 538 |
| Joe Ross, et al.,..... | " | D 542 |
| Phillis Alexander, et al., | " | D 544 |
| Nelson Harrell, et al.,.. | " | D 546 |
| Lewis Ross,..... | " | D 549 |
| Allen Leoney, et al.,.... | " | D 561 |
| John Leoney, et al.,..... | " | D 573 |
| David Ross, et al.,..... | " | D 796 |
| Steve Leoney, et al.,.... | " | D 816 |
| Shaney Ross,..... | " | D 847 |
| Russ Brown, et al.,..... | " | D 847 |
| Maggie Willis, et al.,... | " | D 926 |

D E C I S I O N .

The record herein shows that applications for enrollment as Cherokee Freedmen were made to this Commission as follows, by Huan Fox for himself, his wife, Nancy, and his minor children, Ollie Fox (now Ollie Gibson), Joe Fox, Arthur Fox, Mattie Fox, Ruthie Fox, and Mary Fox. A marriage license and certificate having been filed with the Commission subsequent to said application showing the marriage of said Ollie Fox to one, Percy Gibson, she will now be listed for enrollment as Ollie Gibson. Subsequent to said application, an affidavit was filed showing the birth of Leever Gibson, minor child of Ollie Gibson, and the same is made a part of the record herein. By Emily Leoney for her husband, Tobe Leoney, as a Cherokee Freedman, and for herself as a Cherokee Freedman by intermarriage. By Eliza Leoney for herself and her husband, Frank Leoney. By Joe Ross for himself and his two grandsons, Irving S. Leoney and John Shadd. By

Phillis Alexander for herself and her four minor children, Luther J., Vessie, Ezra and Ermer Alexander. By Nelson Murrell for himself and his wife, Flora Murrell. By Lewis Ross for himself. By Allen Looney for himself and his two minor children, Alice and Bert Looney. By Jake Looney for himself as a Cherokee Freedman, and for his wife, Freddie Looney, as a Cherokee Freedman by intermarriage. By David Ross for himself and his minor children, Joseph, Harry, Herbert, Vernie, Nelson, Alva and John H. Ross as Cherokee Freedmen, and for his wife, Mary Ross, as a Cherokee Freedman by intermarriage. By Steve Looney for himself and his wife, Peggy Looney. By Chaney Ross for herself. By Emma Brown for herself and her minor son, Steve Willis. By Maggie Willis for herself and her minor son, Lloyd Willis. The status of persons applying for enrollment as Cherokee Freedmen by intermarriage not being fixed at this time, the applications for the enrollment of Emily Looney, Freddie Looney and Mary Ross, as such will not be considered, or passed upon in this decision. Copies of the testimony taken at various times in the matter of the applications of Daniel Thompson, et al., Rufus Ross, Elizabeth Meigs, Samuel Beck and Emma McWee, et al. have been filed herewith, and are made a part of the record herein.

The evidence shows that Esau Fox, Nancy Fox, Tobe Looney, Joe Ross, Nelson Murrell, Flora Murrell, Lewis Ross, Allen Looney, David Ross, Steve Looney, Peggy Looney and Chaney Ross, claim for themselves, as former slaves of Cherokee citizens, the right to enrollment, and for the above named children and grandchildren included in their respective applications, as their descendants; that Eliza Looney is a descendant of said Esau and Nancy Fox; that Frank Looney and Jake Looney are the descendants of said Tobe Looney; that Phillis Alexander and her minor children are the descendants of said Joe Ross; that Emma Brown and Maggie Willis, together with their children, are the descendants of said Chaney Ross. All of said applicants, claiming by descent, were born since the commencement of the rebellion, and it is not shown that they have any rights as Cherokee Freedmen, other than as such descendants.

The evidence further shows that Esau Fox, Nancy Fox, Tobe Looney, Joe Ross, Nelson Murrell, Flora Murrell, Lewis Ross, Allen Looney, David Ross, Steve Looney, Peggy Looney and Chaney Ross were slaves of Cherokee citizens at the commencement of the rebellion; that all of them, except Flora Murrell, removed from the Cherokee Nation during the rebellion, and did not return thereto and take up their residence therein, until after February 11, 1867. None of the applicants herein are identified on the 1880 authenticated Cherokee roll.

The evidence further shows that Flora Murrell was residing in the Cherokee Nation at the date of the making of the Cherokee treaty of 1866, and has continued to reside therein from that time, up to and including the date of her application herein.

It is, therefore, the opinion of this commission that Flora Marrell should be enrolled as a Cherokee Freedman in accordance with the provisions of section twenty-one of the act of Congress, approved June 28, 1906 (34 Stats., 495); and that the applications for the enrollment of Manu Fox, Nancy Fox, Ollie Gibson, nee Fox, Joe Fox, Arthur Fox, Mattie Fox, Ruthie Fox, Mary Fox, Leever Gibson, Tebo Leoney, Eliza Leoney, Frank Leoney, Joe Ross, Irving G. Leoney, John Shadd, Phillis Alexander, Luther J. Alexander, Vessie Alexander, Sara Alexander, Ermer Alexander, Nelson Marrell, Lewis Ross, Allen Leoney, Alice Leoney, Bert Leoney, Jake Leoney, David Ross, Joseph Ross, Harry Ross, Herbert Ross, Vernie Ross, Nelson Ross, Alva Ross, John H. Ross, Steve Leoney, Peggy Leoney, Chaney Ross, Emma Brown, Steve Willis, Maggie Willis and Lloyd Willis as Cherokee Freedmen, should be denied, under the provisions of section twenty-one of said act of Congress, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Tams Dixby.

Chairman.

T. E. Needles.

Commissioner.

J. H. Broomfield.

Commissioner.

W. E. Stanley.

Commissioner.

Dated at Muskogee, Indian Territory,

this MAR - 5 1906

SERIES A.

Act of November 5th 1892.

NO 1018

CHEROKEE NATION,

COOWEESCOOWEE

District

Permission is hereby granted

of the CHEROKEE NAT.ON. to employ

a citizen

as a

for the term of ONE MONTH from this date.

CENTS

FIFTY

"No permit shall be issued for a longer period than Dec. 31, of the year in which the permit is issued.

Given under my hand and seal of office, this the

day of

189

CLERK

COOWEESCOOWEE

DISTRICT.

Countersigned:

TREASURER CHEROKEE NATION.

SERIES A.

Act of November 6th 1892.

NO 5049

CHEROKEE NATION

COOWEESCOOWEE.

District.

Permission is hereby granted

of the CHEROKEE NATION, to employ

a citizen

as a

farmer for the term of ONE MONTH from this date.

CENTS

FIFTY

"No permit shall be issued for a longer period than Dec. 31,
of the year in which the permit is issued.

Given under my hand and seal of office, this the

75th

189

CLERK

COOWEESCOOWEE.

DISTRICT.

Countersigned

TREASURER CHEROKEE NATION

12 192.
77
(H) L

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
JUN 5 1901

ACTING CHAIRMAN

SERIES A.

Act of November 8th 1892

NO. 22 CHEROKEE NATION, COOWEESCOOWEE. District 1
Permission is hereby granted John Dooney a citizen
of the CHEROKEE NATION, to employ J. Whitehead as a
farmer for the term of ONE MONTH from this date.

FIFTY

"No permit shall be issued for a longer period than Dec. 31,
of the year in which the permit is issued.

CENTS.

Given under my hand and seal of office, this the 15 day of May 1892

CLERK

Joe McGahy
COOWEESCOOWEE.

DISTRICT.

Countersigned: E. L. H.

TREASURER CHEROKEE NATION.

M *F. D. 512*
**INDIAN TERRITORY,
CHEROKEE NATION.**

I hereby certify that I served the with-
in notice on

by delivering a true copy thereof on the
..... day of A. D. 190...

Given under my hand, this
day of A. D. 190...

Marshal for the Cherokee Nation.

I, the undersigned *marshal* for the
within named applicant, hereby accept
service of the within notice on this the

23 day of *Sept*, 190*1*
J. S. Edwards
Notary for applicant.

UNITED STATES OF AMERICA, }
INDIAN TERRITORY, } S. S.
NORTHERN DISTRICT. }

I do solemnly swear that I delivered a
true copy of the within notice to

on the day of A. D. 190...

Subscribed and sworn to before me
this

Notary Public.
DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
SEP 23 1901

[Signature]
ACTING CHAIRMAN

NOTICE!

IN THE MATTER OF the application of Tobe Looney
for enrollment as Cherokee citizens: ~~Samuel Martin~~

Case No. D ~~572~~

To Tobe Looney or L. P. Bladson Agt.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee citizen at the office of the United States Commission to the Five Civilized Tribes in the town of Vinita Indian Territory, on Oct. 11th 1901 at 2 o'clock A. M. or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee citizens.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this Sept. 21st 1901.

L. B. Bell
W. H. Harrison
Attorneys for the Cherokee Nation.

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

Mr. Tobe Looney,
Coffeyville, Kans.,
Cherokee F-D-512.
Register.

TAMS BIXBY,
T. B. NEEDLES,
C. R. BRECKINRIDGE,
Commissioners.

73

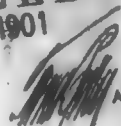
J. I. 512

RECEIVED

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
JUN 5 1901

RECEIVED



ACTING CHAIRMAN

CHEROKEE FREEDMEN.

Date JUN 5 1901Post Office Coffeyville, Kas.District 28 Co.1. Name Toke LoneyAge 28Owner's name Betty LoneyCitizenship CherokeeYear 1892Page 102No. 2563District 28

Parents:

Father

Citizenship

Mother

Citizenship

2. Name of wife Betty LoneyAge 25

Owner's name

Citizenship

Year

Page

No.

District

Parents:

Father

Citizenship

Mother

Citizenship

Names of Children:

3. Year Page No. Dist.

4. Year Page No. Dist.

5. Year Page No. Dist.

6. Year Page No. Dist.

7. Year Page No. Dist.

8. Year Page No. Dist.

9. Year Page No. Dist.

10. Year Page No. Dist.

11. Year Page No. Dist.

12. Year Page No. Dist.

Application made by Betty Loney (wife)Stenographer A. Jones

V. Ref.

2X

XDSIV

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED

OCT 5 1901

 ACTING CHAIRMAN

COMMISSIONERS.
HENRY L. DAVIS,
TAMM BIRBY,
THOMAS B. NEEDLES,
C. R. BRACKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Revised 21 Oct 5 1901

Received of the Commission to the Five Civilized Tribes
one copy of the testimony in the matter of the application of
John L. Loney for enrollment as
Freedmen of the Cherokee Nation.

No. 710512

A. R. Bledsoe
Agent for applicant.

Cherokee Freedmen
D-33 et al.

Mustang, Indian Territory, March 24 1904.

T. W. Hastings,

Attorney for Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 2, 1904, in the consolidated case of *John Fox et al.*, granting the application for the enrollment of *Flora Murrell*, and rejecting all the other applicants included therein, as *Cherokee freedmen*.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file such protest as you may desire to make against the action of the Commission as to *Flora Murrell*, a copy of which protest you will be required to furnish said *Flora Murrell*. If you fail to file protest within the time allowed this decision will be considered final.

Respectfully,

Enc. D-34.

Commissioner in Charge.

Cherokee Freedmen
D. 512 & D. 513

Muskogee, Indian Territory, April 23, 1904.

I. P. Kibode,
Agent for John Leoney, et al.,
Muskogee, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 8, 1904, in the consolidated case of John Fox, et al., rejecting, among others, the applications for the enrollment of John, Steve and Peggy Leoney as Cherokee freedmen. You have heretofore been furnished with a copy of the record of proceedings.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

John Leoney

Encl. V-22

Register.

Chairman,

Cherokee Freedmen
B 502, et al.

McKagoo, Indian Territory, April 23, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the consolidated case of Mann Fox, et al., including the Commission's decision dated March 5, 1904, granting the application for the enrollment of Flora Murrell as a Cherokee freedman, and rejecting the applications for the enrollment of Mann, Nancy, Joe, Arthur, Mattie, Ruthie and Mary Fox, Ollie and Leever Wilson, Tobe, Miss, Frank, Irving G., Allen, Alice, Bert, Jake, Steve and Peggy Leoney, Joe, Lewis, David, Joseph, Harry, Herbert, Vernie, Nelson, Alva, John H. and Chaney Ross, John Shadd, Phillip, Luther J., Vernie, Mera and Warner Alexander, Nelson Murrell, Emma Brown, and Steve, Maggie and Lloyd Willis as Cherokee freedmen.

Respectfully,

Encl. V34

Chairman.

Through the
Commissioner of Indian Affairs.

COPY
Shirley Freeman
D 512

Mailings, Indian Territory, April 23, 1904.

Wm. Lowmy,

Daffeyville, Kansas.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 2, 1904, in the consolidated case of Wm. Lowmy, et al., refusing, among others, your application for the enrollment of yourself as a Cherokee freedman. There has heretofore been furnished your agent, I. P. Klesner, Chuteau, Indian Territory, a copy of the report of proceedings, and there has this day been forwarded to him a copy of the Commission's decision.

The decision, with the report of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

John D. Smith

Chairman.

Encl. V-19

Register.

DEPARTMENT OF THE INTERIOR,
Refer in reply
to the following OFFICE OF INDIAN AFFAIRS,
Land

28739-1904

WASHINGTON, August 23, 1904.

The Honorable,

The Secretary of the Interior,

Sir:

I have the honor to enclose herewith, a report from the Commission to the Five Civilized Tribes, dated April 23, 1904, transmitting the consolidated record of the application for enrollment as Cherokee Freedmen by Eben Fox for himself, his wife, Nancy, and his minor children, Ollie Fox (now Ollie Gibson), Joe Fox, Arthur Fox, Rattie Fox, Ruthie Fox and Mary Fox, and the child of Ollie Fox Gibson, Leever Gibson; by Emily Leoney for her husband, Yoko Leoney; by Eliza Leoney for herself and her husband, Frank Leoney; by Joe Ross for himself and his two grand sons, Irving O. Leoney and John Shadd, by Phillis Alexander for herself and her four minor children, Luther J. Vossie, Ezra and Elmer Alexander; by Nelson Marrell for himself and his wife, Flora Marrell; by Lewis Ross for himself; by Allen Leoney for himself and his two minor children, Alice and Bert Leoney; by John Leoney for himself; by David Ross for himself and his minor children, Joseph, Harry, Herbert, Vernie, Nelson, Alva and John H. Ross; by Steve Leoney for himself and his wife, Peggy Leoney; by Chaney Ross for

herself; by Sam Brown for herself and her minor son, Steve Willie; by Maggie Willie for herself and her minor son, Floyd Willie.

March 5, 1904, the Commission decided favorably to the enrollment of Flora Burrell, and adversely to the other applicants.

The record shows by a preponderance of credible testimony that the principal applicants and the ancestors of the others were slaves of citizens of the Cherokee Nation at the beginning of the war of the rebellion; that they were taken out of the Nation during the war and returned and established homes in the Cherokee Nation prior to February 11, 1867.

All applicants of sufficient age are identified on the Wallace and Kern-Clifton rolls, and in isolated cases are found upon the 1880 authenticated Cherokee roll, but it appears from the act of Congress approved June 23, 1888 (50 Stats., 496) section XI, that this roll was not intended for freedmen, but they were specifically excluded from the same.

There is some testimony in the record in behalf of the Cherokee Nation, but it appears to be that of stock witnesses who have appeared in many of the Cherokee freedmen cases.

In view of the record it is recommended that the Commission's decision favorable to Flora Burrell be approved and

that as much of the same as relative to the other members
is referred and their names included in the same manner.

Very Respectfully,

T. A. Jones,

Secretary.

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

Y.P.
BAP

ITD 6756-1804.

August 31, 1904.

L.R.S.

The Commission to the Five Civilized Tribes,
Muskogee, I.T.

Gentlemen:

March 5, 1904, you rendered your decision in the case involving the applications for enrollment as Cherokee freedmen, of Flora Marrell, Emma Fox, Nancy Fox, Ollie Gibson nee Fox, Joe Fox, Arthur Fox, Mattie Fox, Ethel Fox, Mary Fox, Leaver Gibson, Tobe Looney, Eliza Looney, Frank Looney, Joe Ross, Irving G. Looney, John Shadd, Phillis Alexander, Luther J. Alexander, Venale Alexander, Ezra Alexander, Elmer Alexander, Nelson Marrell, Lewis Ross, Allen Looney, Alice Looney, Bert Looney, Jake Looney, David Ross, Joseph Ross, Harry Ross, Herbert Ross, Vernie Ross, Nelson Ross, Alva Ross, John R. Ross, Steve Looney, Peggy Looney, Chaney Ross, Emma Brown, Steve Willis, Maggie Willis and Lloyd Willis, holding that Flora Marrell should be enrolled, and that the other applicants should not be enrolled.

It was stated that the principal applicants claim for themselves as former slaves of Cherokee citizens, and for their children and grand children included in their

respective applications, and their descendants; that all of such applicants claiming by descent were born since the commencement of the rebellion, and it is not shown that they have any rights as Cherokee freedmen other than as such descendants.

You found that the evidence shows that Sam Fox, Mary Fox, Mary Leoney, Joe Fox, Nelson Merrill, Flora Merrill, Lela Fox, Alice Leoney, David Fox, Steve Leoney, Peggy Leoney and Henry Fox were slaves of Cherokee citizens at the commencement of the rebellion; that all of them, except Flora Merrill, removed from the Cherokee Nation during the rebellion, and did not return thereto and did not take up their residence therein until after February 11, 1867.

Reporting in the matter August 23, 1904, the Commissioner of Indian Affairs states that the record shows by a "preponderance of credible testimony" that the principal applicants were taken out of the nation during the war, and returned and established homes in the Cherokee Nation prior to February 11, 1867; that all applicants of sufficient age are identified on the Wallace and Horn-Clifton rolls, and "in isolated cases are found upon the 1860 authenticated Cherokee roll, but it appears from the act of Congress approved June 26, 1866 (39 Stat., 496)

section 21, that this roll was not intended for freedom, but they were specifically excluded from the same." He states that there is some testimony in the record in behalf of the Cherokee Nation, but that it appears to be that of "stock witnesses" who have appeared in many of the Cherokee freedom cases. He recommends that all of the applicants be enrolled.

The Commissioner is in error in stating that some of the applicants are on the 1866 roll. As stated in your decision, none of the applicants is identified on the 1866 authenticated Cherokee roll. In regard to his statement concerning the 1866 roll, attention is called to departmental letter of May 11, 1900, in which you were advised that the roll of 1866 made by the Cherokee Nation, is to be accepted by you as conclusive of the rights of all persons claiming as Cherokee freedom, whose names are found thereon and of their descendants.

The Department finds nothing to warrant the conclusion that the witnesses for the nation are "stock witnesses."

It is true that, corroborating each other's statements to some extent, most of the principal applicants claim to have come to the Cherokee Nation in the fall of 1866, with Nelson Murrell, one of the applicants. The nation produced a number of witnesses who testified that

- 4 -

The two principal applicants, Sam Fox and Nelson Marshall, were residing with their families in southern Kansas, north of the Cherokee Nation, in 1900, 1907, 1910 and 1909, and, none of the witnesses visited, even at a later date; the witnesses do not state that in 1900 no Freedmen were residing in the Cherokee Nation where most of the principal applicants claim to have been living from September, 1904.

The Department finds no reason to distrust your decision, and it is hereby affirmed. You will, however, safeguard the rights of Nelson Marshall to citizenship as an intermarried citizen.

A copy of the Commissioner's letter is inclosed.

Respectfully,

Wm. H. Fox,

Acting Secretary.

1 inclosure.

COMMISSIONERS:
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
—
WM. O. BEALL,
Secretary.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING:

Cherokee Freedmen
D 512

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Maskogee, Indian Territory, October 6, 1904.

Tobe Looney,
Coffeyville, Kansas.

Dear Sir:

You are hereby advised that the Commission's decision dated March 5, 1904, rejecting, among others, your application for enrollment as a Cherokee freedman, was affirmed by the Secretary of the Interior on August 31, 1904.

Respectfully,



Chairman.

COPY.

Sherokee Freedmen
D 504, et al.

Mustoge, Indian Territory, October 6, 1904.

Beil, Hastings & Dorroughs,
Attorneys for the Cherokee Nation,
Vinita, Indian Territory.

Gentlemen:

You are hereby advised that the Commission's decision dated March 8, 1904, granting the application for the enrollment of Flora Murrell and rejecting the applications for the enrollment of Naomi, Emory, Joe, Arthur, Hattie, Ruthie and Mary Fox, Ollie and Leever Gibson, Maggie, Lloyd and Steve Willis, Chassey, Joe, David, Joseph, Harry, Herbert, Varnis, Nelson, Alva, John H. and Lewis Ross, Irving S., Jake, Allen, Alice, Bert, Frank, Elina, Steve, Peggy and Tobe Leoney, John Shadd, Phillis, Luther J., Vessie, Nora and Erner Alexander, Nelson Murrell and Emma Brown, as Cherokee freedmen, was affirmed by the Secretary of the Interior on August 31, 1904, and the Commission ordered to adjudicate the rights of the said Nelson Murrell to enrollment as a citizen by intermarriage of the Cherokee Nation.

Respectfully,

(SIGNED). *Tame Bixby.*
Chairman.

Muskogee, Indian Territory, July 9, 1906

United States Indian Agent,

Union Agency,

Muskogee, Indian Territory.

Dear Sir:

This office is in receipt of your letter of July 2, asking if Tope Looney, deceased, was a citizen of the Cherokee Nation, or if he has been finally denied by the Department, and if a motion for review or rehearing is pending.

In reply you are advised the records of this office show that application was made for the enrollment of one Tope Looney, aged eighty, as a Cherokee freedman; that said application was refused by the Secretary of the Interior August 31, 1904; that a motion for a reopening of his case was filed March 16, 1905, and denied June 25, 1905, and that a motion for review of said case filed September 7, 1905, has also been denied by the Department.

Respectfully,

L M B

Commissioner

Department of the Interior.

Commission to the Five Civilized Tribes,

MUSKOGEE, IND. TER.



General Office

Cherokee Freed.

Tobe Looney,

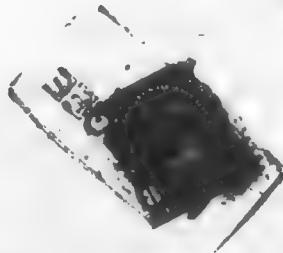
Coffeyville, Kansas.

C 78512

810

Tobe Looney,
Coffeyville, Kansas.

MAY 9 - 1904



Department of the Interior.

Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.

MUSKOGEE, IND. TER.
APR 23 1904
REGISTERED

Lead



Cher. Fr. R-646

Cher. Fr. R-646

Trans. from F.D 513

513
Department of the Interior
Commission to the Five Civilized Tribes.
Cherokee, I. T. June 5, 1901.

In the matter of the application of Steve Looney for the enrollment of Dave Ross as a Cherokee Freedman, for the enrollment of two children as Cherokee Freedman, and for the enrollment of Dave Ross' wife, Nancy Ross, as a Cherokee Freedman by intermarriage; both Looney and Ross being sworn by Commissioner C. R. Breckinridge, and examination conducted through Steve Looney.
I. P. Bledsoe, Agent for Applicant.

Q Give me your full name. A Steve Looney.

Q How old are you? A About 59.

Q What is your postoffice? A Coffeyville.

Q What is the name of this applicant here? A Dave Ross.

Q Is he your step-son? A Yes sir.

Q He can't talk, I believe? A Not to understand; he cannot talk well.

Q I will conduct the application through you? A Yes sir.

COM'R Dave Ross can hear, but cannot speak as to be understood, his assent will be obtained when deemed necessary in the course of the examination.

COM'R of Applicant: Is your name Dave Ross A Yes.

COM'R of Looney: How old is Dave Ross? A He was born before the war, He must be about 48 or 49 years old.

Q Was he a slave in the Cherokee Nation at the time the war came on? A Yes sir.

Q Who was his master? A John Ross; he was Chief of the Cherokee Nation at that time.

Q Old Chief John Ross? A Yes sir, Old Chief John Ross.

Q Has Dave Ross any family? A Yes sir.

Q Has he a wife? A Yes sir.

Q How many children? A Five.

Q Does he want to apply for his wife and children? A He wants to apply for two, the other three are grown.

Commissioner of Applicant: Dave Ross, that is right, is it? A Yes.

Q Is your wife a Cherokee Freedman of her own right? A No.

Q She is a state woman, is she? A Yes.

Commissioner of Looney: How long has Dave Ross lived in the Cherokee Nation? A I brought him with me when I come: he was in my family, a girl and a boy.

Q When was it you claim to have brought him to the Cherokee Nation? A I come in the fall of '66.

Q When was it you first heard of the treaty of '66? A That was along - I don't know, it might have been a year after the war was over something about a year; somewhere along there.

Q How long after the treaty was it before you heard of it? A You didn't hear of it before the treaty? A Oh no, a week or so after the treaty when the news got in.

Q How long after the treaty was it before you came to the Cherokee Nation? A It wasn't very long: we came right away as soon as we could.

Q You stated a while ago you came to the Cherokee Nation a year or such a matter after you heard of the treaty - you gave that in your testimony in the Tobe Looney case - have you anything now to say about that? A No sir, I thought that was about the right time, about a year or so.

COM'R. - Your testimony goes with your own statement.

Q Well, you brought this man, Dave Ross, with you then? A Yes sir.

Q About how old was he at that time? A I couldn't really tell just about how old he was.

Q Was he a grown up man? A No sir, he was a good sized boy.

Q You think he was considerable less than 21, do you? A I don't think he was 21.

2- S. L.

Q Has this man Dave Ross lived in the Cherokee Nation ever since he came back with you? A No sir.

Q Where has he lived? A Yes sir, where he lives now; he has been making his home most of the time; when he was sick he would go to his doctor.

Q Where is his doctor? A He would go sometimes to Fort Scott.

Q How long has he been sick? A He has been sick I couldn't tell - for a good many years - never was a healthy man - all his life.

Q Where has he made his home principally? A At my place on the river there.

Q On the Verdigris? A Yes sir.

Q For how long a time would he go off? A Sometimes for a month, or a week, or two weeks sometimes.

Q Give me the name of his wife? A Nancy Ross.

Q How old is his wife? A I think she says she is 47 or somewhere along there.

COM'R of Applicant: Is that right, your wife is about 47? A Yes.

COM'R of Looney: Is his wife a Cherokee Freedman of her own right, or intermarriage? A Intermarriage.

Commissioner of Applicant: Dave Ross, she is a state woman, is she? A Yes.

Commissioner of Looney: Has he a certificate of marriage? A No sir,

Q When was he married to this wife, Nancy? A It has been about 27 years; somewhere along there.

COM'R of Applicant: Dave Ross, were you ever married except to this wife? A (Shakes his head No.)

Q Was she ever married except to you? No.

Q Have you and she lived together ever since you were married?

A Yes.

COM'R of Looney: Now, give me the names of these two children for whom he applies. A Hattie Ross.

Q How old is Hattie? A She is 16 years old.

Q The next child? A 13.

Q What is her name? A Effie Ross.

Q Are these children both living now? A Yes sir.

COM'R of Applicant: Now Dave Ross, are these your children and your present wife's? A Yes.

COM'R of Looney: Do you know where this child Hattie was born? A She was born on the river down at her grandmas.

Q Where was Effie born? A At the same place.

Q Both in the Cherokee Nation? A Yes sir.

Q Dave Ross has several other children older? A Yes sir, three.

Q Where were they born? A They were born there.

Q All were born in the Cherokee Nation? A Yes sir.

COM'R of Applicant: Dave Ross, is it true that you and your wife were married about 27 years ago? A Yes.

The 1880 authenticated roll, and the 1906 census roll examined and the names of the applicants not found thereon.

The Kerns Clifton Roll examined and the names of the applicants are identified thereon as follows:

Page 143, No. 3540, Dave Ross, Cooweescoowee District.

Page 143, No. 3545, Hattie Ross, Cooweescoowee District.

Page 143, No. 3543, Effie Ross, Cooweescoowee District.

Q You are not on the Wallace Roll? A No.

The Wallace Roll examined and the names of the applicants not found thereon.

Q Your children are not on the Wallace Roll? A No.

COM'R of Looney: Can you explain why this man is not on the roll of 1880 or on no roll, but the Kerns Clifton Roll? A We tried to get on the roll.

Q On all of them? A I don't know why we didn't get on.

Q Is that all you know about it? A He applied to get on; we both tried to give all the information we could, but they just wouldn't take him on.

S. L.

Q Did he go to the Cherokee Court in '70 or '72 and try and get the Court to give him his right? A He didn't go; I went for him.

Q Did you apply for him? A I went and seen the Chief Bushyhead. You had a talk with Chief Bushyhead, did you? A Yes sir, and he told us to go back home and get to work.

Q Did you do that? A Yes sir, and been working there ever since. Were you talking to Chief Bushyhead out down at the door? A Out doors.

Q You didn't go before the Court? A No sir, we thought it was no use; he told us it was no use.

BY J. P. BLEASER: Has he got any permits - did he ever employ anybody? A No, he never employed anybody. He mostly made his home with me.

Q Did he ever vote in the Cherokee Nation? A Yes sir, he voted.

Q Do you know positively how long it was after that treaty that you came back here - you stated a while ago that you came back about a year after that time, and you stated positively that you came back here in the fall of '66, I want the Court to thoroughly understand why you make that difference? Do you know when the treaty was made of your own knowledge? A No sir, I do not.

Q Do you know positively when you came back here? A Yes sir, it was in the fall of '66 when we came back.

Q Did Dave come with you? A Yes sir.

Q Who else came with you in that crowd, Dave and you? A Tomp Spooner, Esau Fox, Joe Ross, Nelson Marrell.

Q Dave has resided in the Cherokee Nation ever since he came back except to go out and be doctored? A Yes sir.

BY S. DAVENPORT, Cherokee Attorney: Steve, Dave lived how long at Fort Scott after you came back down here? A He didn't live there very long.

Q How long did he live there after his first child was born? A I couldn't say; he didn't live there.

Q Well, the first child was born in Kansas, wasn't it? A No sir.

Q The second child was born in Kansas? A No sir.

Q And all the children he has were born in Kansas weren't they? A No sir.

Q What did you say a while ago when you said he lived in the Cherokee Nation except when he was off to a doctor? A Like any other man, if he wanted to go to a doctor he would get up and go.

Q Where did he go to his doctor when he would go? A Up to Fort Scott.

Q When he would go was his family with you or was his family in Fort Scott? A His family would be with me most of the time, and sometimes at Fort Scott.

Q Has his family lived for a number of years in the State of Kansas? A No sir.

Q And you state positively that all of his children were born in the Cherokee Nation? A That's right.

The applicant applies for the enrollment of himself, his wife and two minor children. The applicant is unable to speak audibly, and his application is conducted chiefly through his stepfather, Steve Logney, but the applicant is called upon at essential points to assent or dissent to the testimony, which he does by the usual sign of a nod or a shake of his head. It appears that the applicant was a slave in the Cherokee Nation and the slave of a Cherokee citizen at the time of the breaking out of the Civil War. He is identified on the Kern Citizen Roll, but appears to have been refused enrollment upon all the other rolls, and he has never been admitted to citizenship by any Court or Commission. His stepfather states that he brought the applicant back to the Cherokee Nation from Kansas after the war, and affirms that

he came in the fall of '66, but further states that he came about one year after he first heard of the treaty of 1866, and that he did not hear of that treaty until after its ratification. It seems that the applicant has been an invalid for many years and has had occasion at least to return to Kansas for medical treatment, but so far there is no conclusive evidence that he has returned to the State of Kansas in a way to invalidate any right of citizenship that he may have otherwise possessed. His age is now given as 48 or 49 years, and his right to enrollment at this time, even assuming that he returned from Kansas more than six months after the ratification of the treaty of 1866, should be considered in the light of his status at that time as a minor, and he will now be listed for enrollment as a Cherokee Freedman on a doubtful card, and the final decision of his case will be made known to him at his postoffice address. His wife is a state woman; neither he or she was previously married, and it is shown by satisfactory personal testimony that they were married some 27 years ago, and have lived together ever since their marriage. None of the intermarried state women with the Cherokee Freedmen have been admitted to enrollment, but she will now be listed for enrollment as a Cherokee Freedman by intermarriage on a doubtful card for the consideration of her status under the claim of intermarriage; and the final decision of the Commission will be made known to her at her postoffice address. The two children for whom application is now made, Hattie and Effie Ross, are minors, and are identified on the Kern Clifton Roll, but not upon the Wallace Roll; they are respectively, 16 and 13 years of age. They will now be listed for enrollment as Cherokee Freedmen on a doubtful card for the final determination of the status of their father, through whom alone they claim, and the decision of the Commission will be made known to their father at his postoffice address. These two children are not identified on the roll of 1896.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a full, true and correct transcript of his stenographic notes thereof.

(signed) E. G. Rothenberger.
Subscribed and sworn to before me this 6th day of June, 1901.

(signed) T. B. Needles
Commissioner.

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Indorsed on back as follows:
Department of the Interior
Commission to the Five Civilized Tribes,
F I L E D
Jun 6 1901.

Tams Bixby

Acting Chairman.

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S-2 L.

I, Lolo Mads, Librarian to the Commission to the Five Civilized Tribes, hereby certify that the foregoing is a true and correct copy of the original now on file with the Commission.

Subscribed and sworn to before me this 15th day of December, 1906.

J. H. [Signature]
NOTARY PUBLIC

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DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

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Department of the Interior,
Commission to the Five Civilized Tribes,
Oklahoma, I. T., June 3, 1901.

In the matter of the application of Steve Looney for the enrollment of himself, and his wife, Peggy Looney, as Cherokee Freedmen; he being sworn and examined by Commissioner C. R. Brackinridge, testified as follows: I. P. Bladsoe, Agent for Applicant.

(Testimony of Nelson Murrell, as given in above application)

NELSON MURRELL, being sworn and examined by Commissioner Brackinridge, testified as follows:

Q Give me your full name? A Nelson Murrell.

Q How old are you? A 77, soon will be.

Q What is your postoffice? A Coffeyville.

Q How long do you claim to have lived in the Cherokee Nation? All my life.

Q Were you out during the war? A Yes sir.

Q Do you know the applicant here Steve Looney? A Yes sir.

Q How long have you known him? A About 45 years if my memory serves me right.

Q Was he a slave in the Cherokee Nation at the time the war broke out? A Yes sir.

Q To whom did he belong? A He belonged to Betsey Looney.

Q Did you know him up in Kansas during the war? A Yes sir.

Q Did you come back with him? A Yes sir.

Q When did you come back from Kansas? A He came back with me.

Q Was that the first time you came to the Cherokee Nation after the war? A No sir.

Q When had you been to the Cherokee Nation before that visit?

A I had been back to the nation in February '75.

Q You don't mean February '75? A No sir, I mean February '55; I made a mistake.

Q Where did you come the first time? A I came up on the Verdigris.

Q Is that where you are living now? A Close by where I am living now.

Q Did you make any improvement when you came at that time? A Yes sir, I built a cabin.

Q Had the war been declared over? A Yes sir.

Q Did you wait until you heard the army had all surrendered and the fighting stopped? A Yes sir.

Q Well, now long did you stay in the Cherokee Nation at that visit?

A Well, I stayed about three weeks, I guess, and maybe four at that time.

Q And what did you do? A Well I peddled out some flour.

Q Where did you go after this visit? A I went back to Kansas.

Q When did you come back the next time? A I came back the next time in July.

Q Of the same year? A Yes sir.

Q What did you do then? A Put up some hay.

Q How long did you stay that time? A I stayed about one month, near about one month; somewhere along there.

Q And then where did you go? A I went back to Bourbon County, Kansas.

Q And when did you come to the Cherokee Nation again? A Back in the fall.

Q In the fall of the same year? A Yes sir.

Q How long did you stay then? A I stayed then all the time. I brought my family and effects all that time.

Q That was the time you brought your family and all your effects?

A Yes sir.

Q Who came with you at that time? A This man here, Steve Looney

Q Did his wife come with him? A Yes, sir.

Q Was that the first time they had come down? A No, he had been down once before, this man, to my knowledge.

Q How do you know he had been down before? A Because he had been in my neighborhood.

Q When had he been down before? A Well, he came down about the same time in July when I was down.

Q What did he do down here? A Come and picked his claim out.

Q What improvements did he make? A He stuck up some poles on his place where he had expected to come to.

Q And what else? A They didn't do much else that time.

Q How long did he stay? A He stayed maybe one month.

Q What did he do then? A He went back to Kansas.

Q Where were you when you first heard of the treaty of '88? A I was in Newton County, Kansas.

Q Where were your family at that time? A Up there with me.

Q Had you brought your family to the Cherokee Nation before you heard of that treaty? A No sir.

Q How long after you heard of that treaty before you brought your family? A I brought them down in the fall of 1888; that was when I brought them.

Q Did this man and his wife come with you when you brought your family? A Yes sir, when I brought my family he came with me then.

Q Came along together? A Yes sir.

Q What improvements were in the country at the time you brought your family? A There were some cabins scattered about in a few places; some few houses.

Q What houses were in the neighborhood where you and he settled, did you and he settle in the same neighborhood? A He settled about four miles from me.

Q What cabins were in that neighborhood? A There weren't any - not when I brought my family.

Q There wasn't any in where he settled down in his settlement?

A He was the first settler on that side of the river.

Q Were there some in your settlement? A Yes sir.

By I. P. Bladock: Do you know when the treaty was made, Nelson?

A Yes sir.

Q When? A No, I don't know exactly when it was made; I can't tell that.

Q Then if Steve Looney states that it was a year after the treaty was made that he came back here he is mistaken in the dates, isn't he? A Yes sir.

Q He came with you in the fall of '88 did he? A Yes sir.

Q You are positive of that? A Yes sir.

Commissioner: Who came the same time that you brought your family?

A Steve Looney, Toke Looney, Jacob Ross, Esau Fox, Pesco Gibson.

Q Did Joe Ross come? A Joe Ross come with me the first time.

Q Did he bring his family the same time you brought yours? A Yes sir.

Q The same time Steve Looney brought his? A Yes sir.

Q Anybody else? A That is all I can remember.

Q They came that time? A There may be others, but I can't remember.

Q By I. P. Bladock: Was Dave Ross along? A Yes sir.

Commissioner: Did Dave Ross come too? A Yes sir.

Q Was he with you? A Steve Looney.

I. P. Bladock: Do you know Dave Ross' wife? A I know of her; I am not acquainted with her.

Q Was she along in the crowd that with Steve Looney? A Yes sir.

J. M. Davenport: Nelson, you are the same Nelson Murrell that testified the other day in the Amos Adair case? A Yes sir.

Q And you are one of a committee of the claimants to look after and get up evidence and present to the commission in their cases, are you? A No, sir, I can't recollect that we did; I am a member

of the organization.

- Q That is what I am asking you about? A Yes sir.
- Q You are a member of it now? A Yes sir.
- Q You came back with Steve, you say? A Yes sir.
- Q And you don't know when that was except that you claim it was '88? A Yes sir.
- Q Do you know where Steve was living when the war broke out?
- A Yes sir.
- Q Where was he living? A On Mill Creek, Bourbon County.
- Q When the war broke out? A At Park Hill.
- Q How far were you living from Steve? A About five miles.
- Q How far were you living from his wife? A Peggy Leoney? About one mile.
- Q You were living on the old Murrell place and she was living on the old Ross place about three hundred yards apart? A About one mile apart.
- Q And she went to Kansas with Steve instead of going with Ross. Did she go with Ross or with Steve to Kansas? A I don't recollect; it seems she went with Steve.
- Q You went along too didn't you? A No, I didn't go with them.
- Q When did you next see Peggy after the war broke out? A In Fort Scott, Kansas.
- Q She was with Steve then? A Yes sir.
- Q When you first came down you were peddling flour when you first came down - who were you selling flour to? A I was selling it to Osage Indians.
- Q And you came back the next year to make hay? A Yes sir.
- Q How did you cut it? A I made it with Armstrong.
- Q You cut up your hay and left it and went back to Kansas?
- A Yes sir.
- Q And then came back that fall? A Yes sir.
- Q Were there any roads through that section of the country then?
- A No, sir, there was what they called the west trail road.
- Q Where did it lead to? A To the Osage Nation, and down to Chetopa; that was on the trail road.
- Q Was Chetopa there that time? A No sir.
- Q Then it didn't lead to Chetopa? A It led to there - one road did.
- Q You quit the main military road that led from Fort Scott to the Cherokee Nation and went in the west part of the Osage Nation?
- A Yes sir.
- Q Was that in the Cherokee Nation at that time, or part of the Osage Nation? A Part of the Osage Nation.
- Q Gooseneck country was part of the Osage Nation? A No sir.
- Q Didn't the Osages occupy it then instead of Cherokee? A No sir.
- Q Did it belong to the Cherokee Nation or Osage Nation? A It belonged to the Cherokee Nation; Osages were only camping there.
- Q Was that before the Osage war? A Did they have a war?
- Q Don't you remember when they had a war with the Cherokees?
- A That was a long time at Claremore.
- Q I believe you said you belonged to George Murrell? A Yes, sir, I belonged to George Murrell.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a full, true and correct transcript of his stenographic notes thereof.

Signed, E. G. Rothenberger,
Subscribed and sworn to before me this 7th day of June, 1901.

Signed, C. R. Breckinridge,
Commissioner.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES,
VINITA, I. T., OCTOBER 6th, 1903.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of DAVE ROSS, et al. as Cherokee Freedmen, introduced on part of the Cherokee Nation.

APPEARANCES:

Mr. J. P. Bledsoe, Agent for applicants;

Mr. J. S. Davenport, of Counsel for Cherokee Nation.

SIMON MCKENZIE, being duly sworn by Commissioner Needles, testified as follows on part of Cherokee Nation.

MR. DAVENPORT: What is your name? A Simon McKenzie.

Q Where do you live, Mr. McKenzie? A Five miles south of Pryor Creek.

Q How old are you? A I am 59.

Q How long have you been living in the Cherokee Nation? A I have been here all my life except a short time in the state.

Q When, in the war? A Yes, sir.

Q After you was mustered out of the service where did you go, to what point? A Well, when I was mustered out I was mustered out at Fort Leavenworth and when I started back home I came to Fort Scott.

Q How long did you stay at Fort Scott, Kansas? A Well, I stayed off and on from '65 up until '66 and '67, to the early spring of '68 and '67.

Q From the time you went to Fort Scott until you left there did you get acquainted with a colored man by the name of Dave Ross?

A Yes, sir, I did.

Q Had you known him, any of his people prior to the breaking out of the war? A No, sir.

Q When did you get acquainted with Dave Ross with reference to when you went to Fort Scott, you say you went there in 1865?

A A short time after '65.

Q Well, when did you leave Fort Scott and come back to the Territory to live? A I left there early in the spring, in '68.

Q Well, where was Dave Ross living when you left there? A Dave Ross, he was not exactly living one place, he just be work here and there, he was just out and out.

Q Where was he with reference to Fort Scott? A Fort Scott, yes, right around Fort Scott.

Q He was living in Fort Scott when you first got acquainted with him? A Yes, sir.

Q Do you know what his mother's name was? A She went by the name of Peggie Ross.

Q Did you know his father? A No, sir.

Q Have you seen that Dave Ross that you knew in Fort Scott from 1865 to 1868 here? A No, sir, I never have seen him.

Q The only thing you know is you saw a Dave Ross there whose mother's name was Peggie? A Yes, sir.

Q His father I believe you said you didn't know? A No, sir.

Q Was aise was he then? A He was small, might be ten or 12.

Q Boy ten or 12 years of age? A Might be older I don't know, from the aise he looked like about that old.

MR. BLEDSOE: Do you know, Mr. McKenzie whether he came to the Territory or not? A I do not.

Q During that time? A No, sir, I don't know, mostly I see him every week right at Fort Scott.

Q You could not swear of your own knowledge he didn't come here in '66? A No, sir.

COM. R. NEEDLES: Do you know the Dave Ross that you saw here is the Dave Ross that applied here to be enrolled as a Cherokee Freedman; do you know whether it is the same Dave Ross?

A I don't know, because I never have saw him.

Q This Dave Ross you saw was a boy? A Yes, sir.

Q Running around Fort Scott? A He was about ten or 12 or 13 somewhere along there.

Q You don't know how often he had been back to the Territory and back while he was there? A No, sir.

MR. DAVENPORT: He was living there with his mother? A Yes, sir, sitting back home and out again.

MR. BLEDSOE: Do you know whether this boy you speak of remained there all the time? A All the time I was there, lived right there, I passed the house.

Q If they came down to the Territory in 1866 you don't know it?

A No, sir, I seen him as I said there in '65 up until 1867.

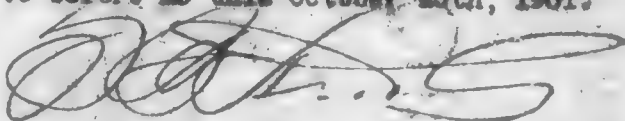
Q You don't undertake to state then positively that they did not come to the Territory? A Well, if they did they come back before '67.

This testimony will be filed with the papers in the case, and made a part of the record in the following Cherokee Freedmen doubtful cases.: #767, #768, and #769.

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J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this October 15th, 1901.



Commissioner.

File with Cherokee Freedmen D-513, David Ross.

Department of the Interior,
Commission to the Five Civilized Tribes,
Winita, I.T., October 5, 1901.

In the matter of the application of Davis Ross for enrollment
as a Cherokee Freedman.

Testimony introduced on behalf of the Cherokee Nation.

Appearances:

- I. P. Bledsoe, agent for the applicant;
J. S. Davenport, of counsel for Cherokee Nation.

WILLIAM MARGRAVES, being duly sworn by Commissioner Needles,
testified as follows:

Mr. Davenport: What is your name? A William Margraves.

Q Where do you live, Mr. Margraves? A Fort Scott, Kansas.

Q What is your age? A My age is 87 years.

Q How long have you lived at Fort Scott, Kansas? A Since 1854.

Q Since you been living at Fort Scott, Kansas, have you become
acquainted with a colored man by the name of Dave Ross? A Oh yes,
very well.

Q About when did you get acquainted with him, about what year? Oh
I can't tell without going back, but I am satisfied I have known him
well for the last 25 years.

Q Do you know whether or not he is living at Fort Scott now? A Well
I see him every few days, he is driving a wagon or something of the
kind, I saw him just two or three days ago.

Q Do you know for whom he has been working there at Fort Scott,
Kansas? A He worked a number of years, must have worked at least
fifteen years, for I. Stadden Grocery Company.

Q That is a wholesale house, is it? A Yes, sir, wholesale grocery.

Q Did Dave Ross have a family, Mr. Margraves? A I understand so
but I never knew his family.

Q Well, do you know whether or not he participated in the elections
there at Fort Scott? A Well I don't remember, I can't say as to that.

Mr. Bledsoe: Do you know where Dave Ross was living during this
time, do you know that he had a home down here or up there or not?
A Down here, no, sir, I don't know anything about that.

Q You don't know where his family was? A I don't remember that I
knew his family; my understanding was that he had a family, but I
don't really remember, because I had no interest in things of that
kind and paid no attention.

Q Don't know anything about who his family was? A No, sir, I can't
say.

JOHN FORBES, being duly sworn by Commissioner Needles, testi-
fied as follows:

Mr. Davenport: What is your name? A John Forbes.

Q How old are you? A I am 36.

Q Where do you live? A We live at Fort Scott, Kansas.

Q How long have you lived at Fort Scott, Kansas? A 33 years.

Q Since you been living at Fort Scott, Kansas, have you become ac-
quainted with a colored man by the name of Dave Ross? A Yes, sir.

Q How long ago, or about how many years ago did you get acquainted
with him? A Well anyhow it is 25 years, I think it is more than that.

Q Do you know whether or not Dave had a family? A Yes, sir.

Q Did you ever know his family? A Well, I wasn't particularly
acquainted with them, I knew about them and where they lived.

Q Do you know whether or not he was engaged in any work of any kind
around Fort Scott? A Yes, sir.

Q For whom did he work, if you know? A For Isaac Stadden Grocery company, a wholesale Grocery Company.

Q About how long did he work there? A Well, he must have worked there 15 years or thereabouts, but I think it is more than that.

Q Do you know whether or not when they would have elections up there that Dave voted or took any part in the elections? A I have no personal knowledge of that.

Q Do you know whether or not Dave Ross is here this morning? A I think I saw him just as I came in here (indicating applicant).

Q Is that the Dave Ross that you knew at Fort Scott? A Yes, sir.

Q About how long since you have seen him at work up there around Fort Scott? A Well I think it is, I missed him about six years ago, I thought he was dead, but he don't happen to be. I have no recollection of seeing him for about five or six years.

Q And you don't know of your own knowledge whether he voted up there or not? A No, sir, I don't.

Q Did he at any time have any sickness or affliction up there that you remember? A While he was living at Fort Scott?

Q In his family; did he himself become afflicted in any way? A No, never knew Dave to be afflicted with anything, his boy I think had his leg chopped off by the cars one time, I think, but so far as Dave is concerned himself I didn't know there was ever anything the matter with him.

Mr. Bledsoe: Do you know where his family was during that time?

A Well all the time I don't, I used to pass backwards and forth there pretty often but I never knew any more about his family than I would about anybody else's family.

Q All you know, you saw him working around there?

Commissioner: When did you first know Dave Ross, become acquainted with him? A Well sir, I think that I knew Dave back as early as '72, I think so, but I wouldn't be positive.

Q You didn't know him before '72? A No, I didn't.

Q You have known him since '72? A Yes, sir.

Q You don't know where he was in the year 1866? A No, sir.

Q You know whether he was a slave or not before the war between the North and South? A I do not.

Q Do you know the name of his wife? A No, sir.

Q Know how many children he has got? A I do not.

Q Was he living in '72 in Fort Scott, Kansas, with his family?

A Well, I think so, I wouldn't be positive about '72.

Q Well, about that time? A About that time, yes.

Q You know where his children were born? A I think they were born in Fort Scott, all that I know of them, I am under the impression that he had three, I am not sure of it.

Q How long since you lost the run of him, how long since you missed him from there? A About five or six years ago.

Q You know where he lived in the year 1898? A About six years ago?

Q About three years ago that was? A Well I don't think he was in Fort Scott at that time.

JAMES DRYDEN, being duly sworn by Commissioner Needles, testified as follows:

Mr. Davenport: What is your name? A James Dryden.

Q How old are you? A 62.

Q Where do you live? A Fort Scott, Kansas.

Q How long have you lived at Fort Scott, Kansas? A Since '81 or '82, along about the end of '81.

Q Well since you have been living at Fort Scott, Kansas, did you get acquainted with a colored man by the name of Dave Ross? A Yes, sir.

Q Where was he living, if you know, when you got acquainted with him? A He was living down in the bottom.

Q How far from Fort Scott? A He lived in Fort Scott, in town.

Q Do you know Dave Ross if you would see him? A Yes, sir.

Q Will you look and see if that is the one you saw in Port Scott, Dave Ross (indicating). A Here is Dave Ross here (indicating same.)

Q Well, what was he doing up there, if you know? A He was working for the I. Stadden Grocery Company.

Q You know where his family lived? A Yes, sir.

Q Do you know whether or not he had any children? A Yes, sir.

Q Did you ever learn his wife's name? A No, I knew his wife when I was here.

Q Well, how long did he continue to live at Port Scott, if you know? A About '95 or '96.

Q He lived there then to '95 or '97? A I think it must be '94, might have been, but I think it was '95 or '96.

Q Well, do you know whether or not his children went to school there? A Yes.

Q It was in '81 or '82 as I understand when you went to Port Scott? A Yes.

Q You don't know where he had been living prior to that time? A No, I came from Illinois.

Q He lived there from about '81 up till '95 or '97? A Yes, sir.

Mr. Bledsoe: Do you know whether he resided there continuously or not, was there all the time from that time up? A His family was there all the time, and he was there; he might have gone a week or two but I don't know about that, he lived there and worked there.

Mr. Davenport: You remember any party for whom he worked while he was living there? A Worked for the Stadden Grocery Company all the time.

Commissioner: Do you know where he went from when he went to Kansas, know where he had been living previously to the time you got acquainted with him? A No, sir.

Q You know where he has been living since '96? A Yes, lives down south of Coffeyville.

Q Live there now? A Yes, sir.

Q In the Cherokee Nation? A Yes, sir.

Q You know when he came to the Cherokee Nation from Port Scott, Kansas? A About '95 or '96.

Commissioner: This testimony will be filed with and made a part of the record in this case and also in cases F.D.-787, D-788, and D-789, and made a part of the record in those cases.

Bruce G. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce G. Jones

Sworn to and subscribed before me this 16th of October, 1901.

[Signature]

Commissioner.

[illegible]

COMING

1902

Acting Chairman

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., January 27, 1902.

SUPPLEMENTAL TESTIMONY, in the matter of the application
of Steve Looney et al for enrollment as Cherokee Freedmen.

TESTIMONY ON BEHALF OF THE CHEROKEE NATION.

Appearances:

Louis T. Brown, representing Mallette & Smith, attorneys
for the applicant;

Widom & Bladsee, attorneys for the applicant.

W.W.Hastings, of attorneys for the Cherokee Nation.

JOHN ROSS, being sworn by Commissioner Needles, testified as
follows:

BY W.W.HASTINGS:

- Q What is your name? A John Ross.
Q What is your age, Mr. Ross? A I will be 54 the 21st of next
month.
Q Are you a Cherokee by blood? A Yes sir.
Q What is your post-office address? A My post-office address is
Park Hill.
Q How far is south of Tahlequah is that? A About five miles.
Q Where did you live before the war? A I lived at Park Hill, at
my father's place.
Q What was your father's name? A My father's name was John Ross.
Q Was your father Chief John Ross? A Yes sir.
Q He was Chief of the Cherokee Nation when the war came up? A Yes
sir.
Q Had been for a number of years before? A Yes sir.
Q Where did you go during the war? A July and August both I went
out to Philadelphia.
Q Pennsylvania? A Yes sir, about '62.
Q Did you remain up there during the remainder of the war? A Yes
sir.
Q When did you come back? A In '67, October, '67.
Q How long did you remain here when you came back in October '67?
A I remained here a year and then went back in '68 I think it was.
Q In '68? A Yes sir, came to Park Hill the last of September, and
got to Philadelphia about the second week in October.
Q How did you go? A Went on horseback. Went on Horseback to Law-
rence, Kansas.
Q Did you go through Fort Scott? A Yes sir, I did.
Q Do you know Steve Looney, a colored man? A Yes sir, I am
pretty well acquainted with him.
Q Did you know him before the war? A Yes sir, seen him around my
father's place.
Q Did you know his wife? A Yes sir, I am well acquainted with his
wife.
Q What was her name? A Peggy.
Q Who did she belong to before the war? A Belonged to my father,
she was seamstress in my father's family.
Q Did Peggy have any children? A Yes sir.
Q What are their names? A Dave, Chaney, and Nettie, Nettie was a
mulatto girl. And she had another one but it died.
Q What became of them when the war came up? A A portion of the
children went with my father.
Q I mean these that I have mentioned about? A Went to Ft. Scott.
Q Kansas? A Yes sir.

Q Well you didn't go with Maigs down to the colored people that time? A No sir.

Q Maigs went alone did he? A

BY BROWN: Wait a minute. I think all the questions are leading; he has not proved that Maigs went there yet.

BY MR. HASTINGS: Maigs shows it.

A I saw Maigs next morning and he said-

BY BROWN: Wait a minute.

BY COM'R HEDDLES: Don't want what Maigs said at all.

Q Was Steve and Peggy keeping house when you saw them in the fall of '68? A Yes sir, I suppose they was; they was in a little log shanty; I guess they was keeping house; they said they was living there; I told them they better go on back home.

Q What did they say to that? A Well they said they were going back.

Q Had they said anything of ever being back here before that time?

A No I don't believe, - no they didn't.

Q Your people you said owned Peggy? A Yes sir.

Q Did she go by your father's name? A Paggie Ross.

Q By what name did Chaney and Dave go by? A Chaney Ross and Dave Ross? A Yes sir.

CROSS EXAMINATION BY LOUIS T. BROWN:

Q How old did you say you are, Mr. Ross? A 54 years old, not 54, I will be 54 in March, going on 54.

Q You say Peggy belonged to your father? A Yes sir, she did.

Q At the beginning of the war? A Yes sir.

Q Your father was a citizen of the Cherokee Nation at that time?

A Yes sir.

Q When did you return to the Cherokee Nation after the war was on?

A October '67.

Q Where were you from '65 to '67? A In Philadelphia.

Q Then from '65 until '67 you were in Philadelphia? A Yes sir. Off and on, I lived in Philadelphia in the spring of '67 and went to Wilmington, Delaware, where my brother-in-law lived, Mr. Dabson.

Q From '65 until '67 where were you? A Partly in Philadelphia and partly in Wilmington, Delaware.

Q You were not either in the Indian Territory or the State of Kansas during those years? A No sir.

Q You say you know both of these applicants, were Steve and Peggy?

A Certainly I do.

Q Where were they in the fall of '66? A I suppose-

Q Where were they? A In Fort Scott.

Q You swear that do you? A Yes sir, I know it to be a fact.

Q Notwithstanding the fact that you claim you were not in the State of Kansas yourself during those years, nor in the Indian Territory either? A No sir, I was not.

Q And now you are prepared to state positively that they were in Fort Scott, Kansas, in the fall of '66? A I suppose they-

Q Just answer my question, please? A I just suppose they were, because their people told me they were. Their own sister told me they was.

Q I asked you if you could state positively? A No sir, I don't know personally.

Q You don't know where they were in the fall of '66 do you? A No sir.

BY MR. HASTINGS:

Q Well I want to ask you one more question; I believe you said that a number of other colored people came up and you shook hands with them? A Yes sir.

Q You don't recollect their names? A No sir.

BY MR. BLEDGER:

Q Mr. Ross, do you know positively that they were making Fort

- Q Where did you first see them after the war? A Saw them in Fort Scott.
- Q Well now when was that? A In '68.
- Q Was it as you returned back to Philadelphia? A As I was going.
- Q You stepped in Fort Scott as you went off did you? A Yes sir, I stepped in Fort Scott; I got to Fort Scott about 12 o'clock noon Saturday and I stayed over until Sunday morning, ~~xxxxxx~~ Saturday afternoon I inquired about these colored people and found out where they were living so I went down there.
- Q To their house? A Yes sir.
- Q Well who did you find? A Found Peggy, Found Chaney.
- Q Found Peggy Leoney? A Yes sir, Peggy Leoney, And Chaney and Nettie. And there was a considerable number there, and Steve I shook hands with a good many and asked them where Dave was-
- BY LOUIS T. BROWN: I object to what they told you.
- Q Was that his mother? A Yes sir.
- BY BROWN: Question objected to on the ground that it is purely hearsay.
- Q He was there renting then was he? A Yes sir.
- Q And you made inquiry of Davis' mother where he was? A Yes sir.
- Q What did she say?
- BY BROWN: Objected to on the ground that Dave Ross claims claims his citizenship through his own righten, and not from the reason that at that time he was a minor, he was a slave himself and entitled to take by reason of that fact.
- BY COM'R NEEDLES: Objection will be noted.
- A Said davis was up at a store in Fort Scott, and after I went back I called at the store.
- Q That same trip? A Yes sir.
- Q That same evening? A Same evening, and the merchant said he was not in; I didn't get to see him.
- Q Did the merchant say where he was? A Had gone out on an errand.
- Q You went on to Philadelphia then? A Went on Sunday morning to Lawrence, Kansas, and then from Lawrence, Kansas I went to Fort ~~xxxxxx~~ and took the train and went to Philadelphia.
- Q What were you going back for that trip? A Went back to see my sister.
- Q Did you marry up there that time? A Yes sir, I married the 19th of January '69.
- Q And this was the fall before you married? A Yes sir.
- Q When did you come back here after that Mr. Ross? A I started back the 20th of January, next day after I was married I started back.
- Q Well did you come back that spring? A Yes sir.
- Q You got back that spring? A Yes sir, got back in February, about the middle of February.
- Q Of '69? A Yes sir.
- Q How long did you stay here at that time? A I stayed here until about January, last of January, 1870.
- Q Then where did you go? A I went to Washington City that trip.
- Q Who took you from Tahlequah or the vicinity of Tahlequah to the train? A Mr. Robert Meigs.
- Q Robert Meigs who lives over between Park Hill and Tahlequah now? A Yes sir.
- Q Did you go through Fort Scott that time? A Yes sir.
- Q Mr. Meigs was up there with you that trip? A Yes sir.
- Q Did you see these colored people in January of '70? A No sir, I didn't get down that time; Mr. Meigs invited me to go with him but I was pretty tired and went to the hotel and Mr. Meigs came up to the hotel after supper and talked with us a little while, and said he was going down to see Peggy.
- BY BROWN: Wait a minute.
- Q He went off did he? A Yes sir.

Steve Leachy et al 4

beckt their heads during the time you saw them, of your own knowledge? A. My own knowledge, no sir, I don't.

BY MR. HASTINGS:

Q. You saw them in a house there living there? A. Yes sir, I saw them in '68 and that's the first time I saw them.

BY COL. WISDOM:

Q. They might have been living there, and they might have been in a house and still not living there?

BY MR. HASTINGS: That is a legal conclusion, and I object to it.

BY COM'R NEEDLES: That is a conclusion.

BY HASTINGS:

I want this thrown in D-519, D-513, and D-547.

M.D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

M.D. Green

Subscribed and sworn to before me this January 29, 1902.

C. R. Needles

Commissioner.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., May 31, 1902.

In the matter of the application of PERRY ADAMS for enrollment as a Cherokee Freedman:

Applicant appears by Mellette & Smith; Cherokee Nation, by W. W. Hastings:

By Mr. Smith:

The applicant moves the Commission to make the certified copy of the decree of the Court of Claims in the case of Moses Whitmire, Trustee for the Freedmen, vs The Cherokee Nation, No. 17209 filed in the Mariah Hayden case F D 498, a part of the record in this case and the cases hereinafter mentioned by reference to the said case of the said Mariah Hayden, and if it be deemed necessary that a copy of the said decrees be filed in this case and in the following cases, to-wit:

Dave Ross, D 813;

By W. W. Hastings:

Comes now the Cherokee Nation and objects to the introduction of the decrees because, First: It does not tend to show that the applicant was a slave of the Cherokee Nation at the beginning of the war, nor that he returned within the time specified in the treaty of 1866, or that he had been a continuous resident of the Cherokee Nation since that time, or that he is a descendant of such a person. Second: Because the same is incompetent, irrelevant and immaterial, and does not tend to prove an issue in this case. Third: Because the Commission will take judicial knowledge of all laws, treaties and decrees necessary for the determination of the right of any person who makes application for citizenship. Fourth: The Cherokee Nation objects to the filing of a certified copy of this decree in the case of an applicant unless the same is called and filed in each individual case.

Commission:

The motion of the attorney for the applicant will be entertained and the decree of the Court of Claims filed in the case of Mariah Hayden will be made a part of the record by reference in all the cases above named with the exception of those which come within the provisions of the temporary injunction recently granted by Judge Gill of the United States Court, of the Northern District, Indian Territory.

Mr. Smith:

The applicant further moves that as to the above named cases including the Mariah Hayden case that counsel for the applicants be allowed within thirty days to file any of the proof of any or all of the record other than the decree already referred to

in the case of Moses Whitmire, trustee, vs Cherokee Nation, on file in the Court of Claims to the counsel of the Cherokee Nation if it is desired to do so.

W. W. Hastings:

The Cherokee Nation certainly most strenuously objects to the allowance of this permission or to the granting of this request for the reason that most of these applicants have had more than a year in which to file all of their testimony that they desired to file to make out their case before the Commission and that notice was given them all by agreement in March last, that the cases would be closed so far as testimony was concerned by the special permission of the firm of attorneys representing these applicants, on the 31st day of May, 1902, and that this being the 31st day of May, 1902, we say that under the rulings of the Commission, that under the agreement between the attorneys, that the testimony in all these cases is to close and should be closed by the Commission, and that no extension should be granted in any case and no case re-opened unless there is some special and particular reason shown either by the Cherokee Nation on the one side or the applicant on the other why an extension of time is necessary or desired.

The Commission:

The law provides that the roll of Cherokee freedmen shall be made in strict compliance with the decree of the Court of Claims rendered the 3rd day of February, 1896, and as the Commission must take judicial notice of the judgment roll of said Court in the proceedings referred to the motion of attorneys for applicants for additional time to file certified copies of the proceedings of the said Court is denied.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings in the above case and that the foregoing is a true and correct transcript of his stenographic notes thereof.

(Signed) E. G. Rothenberger.

Subscribed and sworn to before me this 14th day of June, 1902.

(SEAL)

(Signed) P. G. Reuter,
Notary Public.

I, E. C. Bagwell, a stenographer to the Commission to the Five Civilized Tribes, on oath state that the above and foregoing is a true and perfect copy of the original testimony in the above entitled cause as filed with the Commission, which copy was made by me.

E. C. Bagwell

Subscribed and sworn to before me this July 29, 1902.

P. G. Reuter
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
Dave Ross, et al. as Cherokee Freedmen, consolidating the applica-
tions of

| | | |
|-------------------------|-------------------|-------|
| Dave Ross, et al.,..... | Cherokee Freedmen | D 313 |
| Rufus Ross,..... | " | D 367 |
| Della Wortham,..... | " | D 368 |
| Nellie Haxlerig,..... | " | D 369 |

D E C I S I O N.

The record herein shows that applications for enrollment as Cherokee Freedmen were made to this Commission, by Dave Ross for the enrollment of himself and his two minor children, Hattie and Effie Ross, as Cherokee Freedmen, and for his wife, Nancy Ross, as a Cherokee Freedman by intermarriage; but as the status of persons applying for enrollment as Cherokee Freedmen by intermarriage is not fixed at this time, the application for the enrollment of Nancy Ross, as such, will not be considered, or passed upon in this decision; by Rufus Ross for himself; by Della Wortham for herself, and by Nellie Haxlerig for herself. Copies of the testimony taken at various times in the matter of the applications for the enrollment of Steve Leamy, et al. and Rufus Ross as Cherokee Freedmen, have been made a part of the record herein.


The evidence shows that the said Dave Ross was the slave of a Cherokee citizen at the commencement of the rebellion; that he left the Cherokee Nation during the rebellion and returned thereto after the rebellion with Steve Leamy, et al. This Commission has

decided, in the case of Steve Leoney et al. (Cherokee Freedmen D 819), that the said Steve Leoney did not return to and establish his residence in the Cherokee Nation until after January 19, 1867. It is considered that this fact, taken in connection with the evidence herein, shows that the said Dave Ross did not return to said Nation until after January 19, 1867.


The evidence further shows that all the other applicants herein are the descendants of said Dave Ross, born since 1866 and claim the right to enrollment as Cherokee Freedmen through him. None of the names of the applicants herein are found on the 1880 authenticated roll of the Cherokee Nation.

It is, therefore, the opinion of this Commission that the applications for the enrollment of Dave Ross, Mattie Ross, Rufus Ross, Effie Ross, Della Wortham and Nellie Maslerig as Cherokee Freedmen should be denied, under the provisions of section twenty-one of the Act of Congress, approved June 28, 1896 (30 Stats., 406), and it is so ordered.

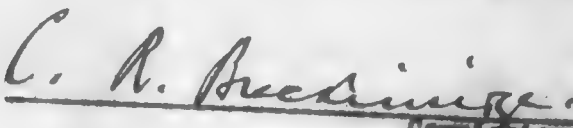
COMMISSION TO THE FIVE CIVILIZED TRIBES.



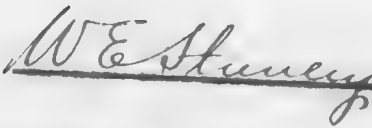
Chairman.



Commissioner.



Commissioner.



Commissioner.

Dated at Muskogee, Indian Territory,

this JUL 10 1896

Jane Brown

Charles Freeman D-1

Barrie Martin,

herokee Freedmen B-107,

The record further shows that none of the applicants herein make any claim to enrollment as citizens of the Cherokee Nation other than as set forth above. It further appears from the record herein that at the time applications were made for the enrollment of the above named applicants, application was also made for the enrollment of other applicants as Cherokee Freedmen, but said applications being differently classified are not included in this decision.

It does not appear that any of the applicants herein are identified upon the 1880 Authenticated Cherokee Roll, nor does it appear that any of said applicants has ever been admitted to Cherokee citizenship by a duly constituted court or committee of the Cherokee Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the Act of Congress approved June 10, 1896, (29 Stat., 321).

It is, therefore, the opinion of this Commission that, following the ruling of the Department in the case of Lemuel Welcome, (I. T. D. 5848-1904, 11,776-1904), the applications made for the enrollment of William Davis, Henry Thomas, Ella Vann, Mary Markham, Frances Melton, John Dotson, Mary Jane Vann, Thomas Lewis, Ella Mayfield, Sallie Rider, Reuben Campbell, Van Jackson, Luther, Cassie Middleton, Mary Harlin, Nellie Fields, John Kinto, William B. Madden, Jane Bean, Albert T. Thomas, Mary Campbell, Caroline Daniels, Melvina Alberty, Dave Morris, Alexander Claggett, Amanda Martin, Elias Martin, John E. Ramey, Bell Davis, Samuel Brown, Howard E. Watson, Jack McConnell, Maude Minzey, George Reed, Sr., Beck Ledman, Ben Thompson, Lewis Scott, Abe Scott, Kender Lampton, Thomas E. Allen, Lewis Vanderford, John L. Bowlin, Katie Davis, Charles Williams, John I. Rose, Jane Martin, Lena Peterson, Alex Johnson, Martha Vann, John Scott, Nancy Rose, Charles O. Smith, Shale Galt, William Shagan, Sallie Johnson, Alfred P. Hopkins, Klara Vann, Freddie Looney, Lucy Chouteau, Alice Duff, Mahaley Ward, Fred D. Thomas, Bettie Beck, Ella Warren, Willie Robinson, Mary Weber, Frances Martin, Mary Riley, Emanuel Taylor, Henry Syde, Rachin P. Powell, Stephen Davis, Malinda Vann, Prudence Johnson, Apple Foster, Mary H. Rogers, George Wallington, Leno, Jane Brown, Samuel L. Young, John Buckner, Willie Cox, Leonard Bowler, Melinda Marrell, Charles Claggett, Samuel Ivey, Mary Rose, Maggie Nave, Neoma Nave, Ella Eden, Elizabeth Duncan, Sadie Adams, George Annley, John Claggett, Mattie Smith, Jack Jackson, Lela Sanders, George Hasting, Lela West, Eliza French, Mary Johnson, Maggie Vann, William Hudson, Sarah Rogers, Abraham Ballard, Laura Davis, John Deckman, James B. Parry, Lela Welch, Laron Logan, George Howell, Henry Mack, George Adams, Annie Thomas, Lewis McConnell, Camie Vann, Lou Peters, Ida Adair, Robert Brown, Annie Chambers, Irem Jones, Alice Gunter, Katie Adair, Carrie Martin, Benjamin Clark, Emily Looney, John Groves, Matilda McNair, Bettie Vann, Nelson Lott, Fannie Rogers, William Washington,

Squire Warren Owens, Frank Goldsby, Sam Daniels, Andrew Turk, David Lane, Felix McClain, Henderson Jones, Belle Vann, Levi Stroud, John Sumpter, Mariah Thompson, Ellen Sheppard and Lela Melton, as Cherokee citizens by intermarriage, should be denied, under the provisions of section twenty-one of the Act of Congress approved June 20, 1893, (28 Stat., 425), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

[SIGNED] TAMS BIXBY, Chairman.
[SIGNED] T. B. NEEDLES, Commissioner.
[SIGNED] O. E. BROOKBIDGE, Commissioner.

MOHOCKA, INDIAN TERRITORY, JANUARY 19, 1906.

D. 513.
No. ~~513~~

INDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the with-
in notice on _____

by delivering a true copy thereof on the
_____ day of _____ A. D. 1901

Given under my hand this _____
day of _____ A. D. 1901.

Marshal for the Cherokee Nation.

I, the undersigned _____ for the
within named applicant hereby accept
service of the within notice on this the

17 day of Sept, 1901.

W. B. Lewis
attorney for applicant.

UNITED STATES OF AMERICA, }
INDIAN TERRITORY, } s. s.
NORTHERN DISTRICT. }

I do solemnly swear that I delivered a
true copy of the within notice to _____

on the _____ day of _____ A. D. 1901

Subscribed and sworn to before me
this _____ day of _____ A. D. 1901.

DEPARTMENT OF THE COMMISSIONER OF PUBLIC LANDS
COMMISSION TO THE TWO CIVILIZED TRIBES

FILED
SEP 18 1901

[Signature]
ACTING CHAIRMAN

NOTICE!

IN THE MATTER OF the application of Dave Ross
for enrollment as a Cherokee citizen:

Case No. D 573

To Dave Ross or I. F. Hodges his Att

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee citizen at the office of the United States Commission to the Five Civilized Tribes in the town of Vinita, Indian Territory, Indian Territory, on Dec. 8th at 8 o'clock A. M. or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission on the respective days above named, for the taking of testimony both for and against applicants for enrollment as Cherokee citizens.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this SEP 16 1901

L B Bell
N. N. Harrison
Attorneys for the Cherokee Nation.

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,
from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

Mr. Dave Ross,

Coffeyville, Kans.,

Cherokee F-D-613.

Register.

TAMS BIXBY,

T. B. NEEDLES,

C. R. BRECKINRIDGE,

Commissioners.

MEMORANDUM FOR THE SECRETARY

73.

J.D. 573

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

JUN 5 1901



ACTING CHAIRMAN.

CHIEF OF BUREAU

CHEROKEE MEN.

Date JUN 5 1901

Post Office

District

1. Name *Lave Ross* Age *49*
 Owner's name *Lave Ross* Citizenship *Cherokee*
 Year *186* Page *143* No. *3540* District *600*

Parents:

Father

Mother

2. Name of wife *Nancy Ross* Age *47*
 Owner's name _____ Citizenship _____
 Year _____ Page _____ No. _____ District _____

Parents:

Father

Mother

Names of Children:

3. *Hattie Ross* Year *186* Page *143* No. *3545* Dist. *600* *15*
 4. *Effie* " Year *11* Page *143* No. *3548* Dist. *"* *13*
 5. *W* Year _____ Page _____ No. _____ Dist. _____
 6. Year _____ Page _____ No. _____ Dist. _____
 7. Year _____ Page _____ No. _____ Dist. _____
 8. Year _____ Page _____ No. _____ Dist. _____
 9. Year _____ Page _____ No. _____ Dist. _____
 10. Year _____ Page _____ No. _____ Dist. _____
 11. Year _____ Page _____ No. _____ Dist. _____
 12. Year _____ Page _____ No. _____ Dist. _____

Application made by *Stevenson* No. *1* Stenographer *E. C. Rothermel*

4. In K.C. Roll as Effie Ross.

A. Blodgett Agent for applicant, Stanton, Ky.

2 7051
DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED
OCT 5 1901

 ACTING CHAIRMAN

COMMISSIONERS.
HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Minute 27. Oct 5 1901

Received of the Commission to the Five Civilized Tribes
one copy of the testimony in the matter of the application of
Dave Ross et al for enrollment as
Freemen of the Cherokee Nation.

No. 719513

J. B. Hudson
Agent for applicants.

COPY.

Cherokee Freedmen
D-413.

Muskogee, Indian Territory, July 22, 1903.

Dave Ross,

Coffeyville, Kansas.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated July 10, 1903, in the consolidated case of Dave Ross, et al., rejecting, among others, your application for the enrollment of yourself and your minor children, Hattie and Effie Ross, as Cherokee Freedmen. There has heretofore been furnished your Agent, I. P. Bladsce, Chouteau, Indian Territory, a copy of the record of proceedings, and there has this day been forwarded to him a copy of the Commission's decision.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

I. B. Needler

Commissioner in Charge.

Register.

Enc. H-13.

COPY

Cherokee Freedmen
B-512, B-767,
B-768, B-769.

Muskogee, Indian Territory, July 22, 1908.

I. P. Blodgett,

Agent for Dave Ross, et al.,

Chautauk, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the supplemental testimony in the consolidated case of Dave Ross, et al., together with a copy of the Commission's decision, dated July 10, 1908, rejecting the applications for the enrollment of Dave, Mattie, Mrie and Rufus Ross, Della Wortham and Nellie Haslerig, as Cherokee Freedmen. You have heretofore been furnished with a copy of the record of proceedings.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

T. B. Needles.

Commissioner in Charge.

Register.

Enc. H-20.

COPY.

Cherokee Freedmen
D-523, D-767,
D-768 & D-769.

Muskogee, Indian Territory, July 22, 1903.

W. W. Hastings,
Attorney for Cherokee Nation,
Tahlequah, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated July 10, 1903, in the consolidated case of Dave Ross, et al., rejecting the applications for the enrollment of Dave, Mattie, Effie and Rufus Ross, Della Wortham and Nellie Hazlerig, as Cherokee Freedmen.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

T. B. Needles
Commissioner in Charge.

Enc. H-21.

COPY.

Cherokee Freedmen
D-513, D-767,
D-768, D-769.

Muskogee, Indian Territory, July 22, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith inclosed the record of proceedings had in the matter of the application for the enrollment of Dave Ross, et al., together with the Commission's decision, dated July 16, 1903, rejecting the applications for the enrollment of Dave, Hattie, Effie and Rufus Ross, Della Wortham and Nellie Haslerig, as Cherokee Freedmen.

Respectfully,

T. B. Needles.

Commissioner in Charge.

Through the

Commissioner of Indian Affairs.

Enc. H-22.

(COPY)

Refer in reply to
the following:
Land,
45342/1903.

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,

WASHINGTON. Jan. 4, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith for the consideration of the Department, the record of the proceedings had before the Commission to the Five Civilized Tribes in the matter of the application of Dave Ross for the enrollment of himself and his two minor children, Hattie and Effie Ross, as Cherokee Freedmen, and for his wife, Nancy Ross, as a Cherokee Freedman by intermarriage; the application of Rufus Ross for the enrollment of himself; the application of Della Wertham for the enrollment of herself; and the application of Nellie Hazelrig for the enrollment of herself; all as Cherokee Freedmen.

On July 10, 1903, the Commission rendered a decision in this case, from which it appears that copies of the testimony taken at various times in the matter of the applications for the enrollment of Steve Looney, et al, and Rufus Ross, have been made a part of the record herein.

The Commission further finds from the evidence that the said Dave Ross was a slave of a Cherokee Citizen at the commencement of the Rebellion; that he left the Cherokee Nation during the Rebellion and returned thereto after the Rebellion with Steve Looney, et al.

The Commission then recites the fact that it decided the case of Steve Looney, et al, finding that he did not return to and establish his residence in the Cherokee Nation until after January 19, 1867, and the Commission considers from this fact and from the evidence submitted herein that the said Dave Ross did not return to the Cherokee Nation until after January 19, 1867.

The Commission further finds that all the other applicants are descendants of said Dave Ross, born since 1866, and claim their right to enrollment through him. It is further alleged that none of the names of the applicants herein is found on the 1880 authenticated roll of the Cherokee Nation; from which findings the Commission is on the opinion that the applications for the enrollment of these applicants as Cherokee Freedmen should be denied, under the provisions of the Act of Congress approved June 28, 1898, (30 Stats., 495).

I have examined the evidence submitted in this case, and find that this applicant was a slave of Chief John Ross of the Cherokee Nation.

The witness, Steve Looney, who makes application for the applicant, Dave Ross, who it is claimed is not able to speak for himself, in testifying as to why the applicant's name is not on the 1880 roll, states that he applied for him; that he went to see Chief Bushyhead, who told him to go back home and get to work.

The witness further testifies that he did not go before the court subsequently, because he thought that it was no use, that the Chief had told him it was no use.

The evidence further shows that this applicant voted in the Cherokee Nation.

I do not consider the evidence in this case fully satisfactory, but on the whole I consider the decision of the Commission in accord with the testimony. I therefore recommend that said decision of the Commission be approved by the Department.

Very respectfully,

W. A. Jones,

Commissioner.

WOB-H

D. C. 4017-1905.
I.T.D. 98-1904.

W.C.P.
Y.P.
F.H.

L.R.S.

DEPARTMENT OF THE INTERIOR,

WASHINGTON.

January 19, 1905.

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

July 22, 1903, you transmitted the record in the matter of the application for the enrollment of Dave Ross, et al. (F.D-513, et al), as Cherokee Freedmen, including your decision of July 10, 1903, rejecting the applications for the enrollment of Dave, Hattie, Effie and Rufus Ross, Della Wortham and Nellie Hazelrig.

Reporting in the matter January 4, 1904, the Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

Respectfully,

(Signed) Thos Ryan,

Acting Secretary.

1 inclosure.

COPY.

Cherokee Freedmen
D-14 et al.

Muskogee, Indian Territory, January 24, 1905.

Bell, Hastings & Lavenport,
Attorneys for the Cherokee Nation,
Muskogee, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated January 19, 1905, rejecting the applications for the enrollment of, William Davis, Henry Thomas, Ella Vann, Mary Markham, Frances Melton, John Dotson, Mary Jane Vann, Thomas Lowe, Ella Hayfield, Sallie Rider, Reuben Campbell, Van Jackson Luther, Cassie Middleton, Mary Haslin, Nellie Fields, John Kinbo, William S. Madden, Jane Bean, Albert T. Thomas, Mary Campbell, Caroline Daniels, Mattie Alberty, Tom Harris, Alexander Claggett, Emma Martin, Eliza Martin, John L. Burton, Bell Davis, Samuel Brown, Edward T. Chapman, Jack McDaniel, Hattie Hanley, George Reed, Jr., Buck Linton, Nell Thompson, Louis Scott, Abe Scott, Kenner Hampton, Thomas E. Allen, Lewis Vanderford, John L. Newlin, Katie Davis, Charles Williams, John J. Reed, Jane Martin, Lena Peterson, Alar Johnson, Martha Vann, John Scott, Nancy Reed, Charles C. Smith, Susie Colbert, William Stagg, Susie Johnson, Alfred P. Hopkins, Kinzie Vann, Freddie Loney, Lucy

Cheuteau, Alice Jurant, Mahaley Ward, Fred J. Thomas, Bettie Beck,
Ellis Warren, Millie Robinson, Mary Webber, Frances Martin, Mary
Riley, Emanuel Taylor, Henry Sykes, Larkin P. Powell, Stephen Jean,
Malinda Vann, Frances Johnson, Annie Foster, Mary H. Rogers,
George Washington Lane, Jane Brown, Samuel L. Young, John Backner,
Willie Cox, Leonard Bowles, Malinda Murrell, Charles Claggett,
Samuel Irvan, Mary Ross, Maggie Nave, Neoma Nave, Ella Ross,
Elizabeth Duncan, Sadie Adams, Georgeann Archer, John Claggett,
Hattie Smith, Jack Jackson, Lula Sanders, George Hazelrig, Lizzie
West, Maria French, Mary Johnson, Maggie Vann, William Hudson,
Sarah Rogers, Abraham Ballard, Laura David, John Jackson, James
B. Perry, Isaac Welch, Lawson Logan, George Howell, Henry Blair,
George Adams, Annie Thomas, Lewis McDonnell, Callie Vann, Lou
Peters, Ida Blair, Robert Brown, Allie Chambers, Sam Jones,
Alice Guster, Katie Blair, Carrie Martin, Benjamin Clark, Matty
Leoney, John Groves, Matilda McBlair, Bettie Vann, Nelson Light,
Fannie Rogers, William Washington, Squire Warren Smith, Emma
Goldisby, Susan Daniels, Anderson Turk, David Lane, John McBlair,
Henderson Johns, Nellie Vann, Levi Sircus, John Gussner, Mariah
Thompson, Ellen Sheppard and Lula Holton, as Cherokee citizens
by intermarriage.

The decision, together with the record of proceedings
had in the case, has this day been transmitted to the Secretary
of the Interior for his review and decision. The action of the

Secretary will be paid from the 1st of March to the 31st of March 1914
amount of \$4.00.

Respectfully,

Signed: *James Dixey*

Wm. Dixey.

1914-15

COPY.

Cherokee Freedman
5-14 et al.

Muskogee, Indian Territory, January 24, 1905.

The Honorable

The Secretary of the Interior.

Sir:

There is herewith transmitted record of proceedings had in the matter of the applications for the enrollment of, William Davis, Henry Thomas, Ella Vann, Mary Markham, Frances Helten, John Detsen, Mary Jane Vann, Thomas Lowe, Ella Mayfield, Sallie Rider, Reuben Campbell, Van Jackson Luther, Cassie Middleton, Mary Harlin, Nellie Fields, John Kinbo, William S. Madden, Jane Bean, Albert T. Thomas, Mary Campbell, Caroline Daniels, Melvina Alberty, Dave Morris, Alexander Claggett, Amanda Martin, Eliza Martin, John W. Barnes, Bell Davis, Samuel Brown, Howard F. Watson, Jack McConnell, Maude Manley, George Reed, Sr., Buck Ledman, Bell Thompson, Lewis Scott, Abe Scott, Kender Lampton, Thomas E. Allen, Lewis Vanderford, John L. Bowlin, Katie Davis, Charles Williams, John J. Ross, Jane Martin, Lena Peterson, Alex Johnson, Martha Vann, John Scott, Nancy Ross, Charles C. Smith, Susie Colbert, William Skaggs, Susie Johnson, Alfred P. Hopkins, Kizzie Vann, Freddie Looney, Lucy Chouteau, Alice Durant, Mahaley Ward, Fred J. Thomas, Bettie Beck, Ellis Warren, Millie Robinson, Mary Webber,

Frances Martin, Mary Riley, Emanuel Tayler, Henry Sykes, Larkin P. Powell, Stepney Dawn, Malinda Vann, Frances Johnson, Annie Foster, Mary H. Rogers, George Washington Lane, Jane Brown, Samuel L. Young, John Buckner, Willis Cox, Leonard Bowles, Malinda Murrell, Charles Claggett, Samuel Irvon, Mary Ross, Maggie Nave, Neoma Nave, Ella Ross, Elizabeth Duncanson, Sadie Adams, Georgeann Archer, John Claggett, Hattie Smith, Jack Jackson, Lula Sanders, George Kasebrig, Lizzie Vest, Maria French, Mary Johnson, Maggie Vann, William Hudson, Sarah Rogers, Abraham Ballard, Laura David, John Jackson, James B. Perry, Isaac Welch, Lawton Logan, George Kewell, Henry Kaser, George Adams, Annie Thomas, Lewis McConnell, Callie Vann, Lou Peters, Ida Adair, Robert Brown, Alice Chambers, Isaac Jones, Alice Guster, Katie Adair, Carrie Martin, Benjamin Clark, Emily Locum, John Groves, Matilda McFair, Bettie Vann, Mahesh Lett, Fannie Rogers, William Washington, Squire Warren Swans, Fannie Galsbury, Adam Daniels, Andersen Turk, David Lane, Felix McClain, Henderson Jones, Belle Vann, Levi Stroud, John Supter, Mariah Thompson, Ellen Sheppard and Lula Melton, as Cherokee citizens by inter-marriage, including the Commission's decision dated January 19, 1905, rejecting said applications.

Respectfully,

(SIGNED) *Tams Dixie*
Chairman.

Incl. K-8.
Through the
Commissioner of Indian Affairs.

COPY.

Cherokee Freedmen
D-14 et al.

Muskogee, Indian Territory, January 24, 1906.

I. P. Blodson,

Agent for William Davis et al.,

Cherokee, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated January 19, 1906, rejecting, among others, the applications for the enrollment of William Davis, Nancy Ross, and Sarah Rogers as Cherokee citizens by intermarriage.

The decision, together with the record of proceedings had in these cases, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Encl. L-115.

Register.

(SIGNED).

Tame Bixby.

Chairman.

COPY.

Cherokee Freedman
D-513.

Muskogee, Indian Territory, January 24, 1905.

Nancy Ross,

Coffeyville, Kansas.

Dear Madam:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated January 19, 1905, rejecting, among others, the application for your enrollment as a Cherokee citizen by intermarriage. A copy of the Commission's decision has this day been forwarded to your agent, I. P. Bledsoe, Choteau, Indian Territory.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

(SIGNED). *Tama Bixby*
Chairman.

Encl. L-59.

Register.

COPY.

Cherokee Freedmen

D-513.

Muskogee, Indian Territory, January 20, 1905.

Dave Ross,

Coffeyville, Kansas.

Dear Sir:

You are hereby advised that the Commission's decision dated July 10, 1903, rejecting, among others, the application for the enrollment of yourself and your minor children, Hattie and Errie Ross, as Cherokee freedmen, was affirmed by the Secretary of the Interior on January 19, 1905.

Respectfully,

(SIGNED)

Tamie Bixby,
Chairman.

COPY

Cherokee Freedmen

D-513, et al,

Wahkapa, Indian Territory, January 30, 1908.

A. F. Madsen,

Agent for Dave Ross, et al,

Wahkapa, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated July 10, 1902, rejecting the applications for the enrollment of Dave, Mattie, Effie and Rufus Ross, Della Wortham and Nellie Hamberg as Cherokee freedmen, was affirmed by the Secretary of the Interior on January 12, 1908.

Respectfully,

(SIGNED) *Fannie Bixby*
Chairman.

COPY.

Cherokee Freedmen

D-513, et al.

Muskogee, Indian Territory, January 30, 1908.

Bell, Hastings & Davenport,
Attorneys for the Cherokee Nation,
Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the Commission's decision dated July 10, 1903, rejecting the applications for the enrollment of Dave, Hattie, Effie and Rufus Ross, Della Wortham and Nellie Hazlerig as Cherokee freedmen, was affirmed by the Secretary of the Interior on January 19, 1908.

Respectfully,

SIGNED: *Jame Birby.*

Chairman.

CORY.

Cherokee Freedmen

D-513, et al.

Muskogee, Indian Territory, January 30, 1905.

Commissioner in Charge,

Cherokee Land Office,

Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated July 10, 1903, rejecting the applications for the enrollment of Dave, Mattie, Effie and Rufus Moss, Della Wortham and Nellie Haslerig as Cherokee freedmen, was affirmed by the Secretary of the Interior on January 19, 1905.

Respectfully,

(SIGNED) *Tamm Pixby.*
Chairman.

COPY.

Cherokee Freedman
D-513.

Muskogee, Indian Territory, March 2, 1905.

Dave Ross, Box 333,
Coffeyville, Kansas.

Dear Sir:

The Commission is in receipt of your letter of February 25, 1905, asking to be furnished with a copy of the record of proceedings had in the matter of your application for enrollment as a Cherokee freedman.

In reply you are advised that the Commission has heretofore furnished your agent, I. P. Blodgett, Choteau, Indian Territory, a copy of the record of proceedings in this case, and it cannot undertake to furnish the additional copy requested.

Respectfully,

(SIGNED) *C. R. Breckinridge.*
Commissioner in Charge.

DEPARTMENT OF THE INTERIOR,

SERVICE OF INDIAN AFFAIRS,

WASHINGTON, March 20, 1906.

Refer in reply
to the following:
Lmd.
7002-1906.

The Honorable,

The Secretary of the Interior.

Sir:

I enclose a report from the Commission to the Five Civilized Tribes, dated January 24, 1906, transmitting the report of the application for enrollment as Cherokee citizens by inter-marriage to Cherokee freedmen by William Davis, Henry Thomas, Ella Vann, Mary Harrison, Frances Nelson, John Nelson, Mary Jane Vann, Thomas Lewis, Ella Mayfield, Nellie Mizer, Nathan Campbell, Tom Jackson Latham, Cassie Middleton, Mary Harika, Nellie Mithia, John Hiseo, William S. Hudson, John Dean, Albert T. Hudson, Mary Campbell, Caroline Daniels, Malvina Liberty, Dave Morris, Alexander Claggett, Amanda Martin, Eliza Martin, John M. Dumas, Bell Davis, Samuel Brown, Howard F. Watson, Jack McConnell, Hattie Hanley, George Reed, Sr., Jack Indiana, Bell Thompson, Louis Scott, Joe Scott, Kender Lupton, Thomas H. Allen, Louis Vanderford, John L. Bowlin, Etta Davis, Charles Williams, John T. Rose, Jane Martin, Lena Peterson, Alex Johnson, Martha Vann, John Scott, Emily Rose, Charles C. Smith, Basie Gilbert, William Shugh, Basie Johnson,

Alfred P. Hopkins, Kizzie Vann, Freddie Leoney, Lucy Chouteau, Alice Durant, Mahaley Ward, Fred D. Thomas, Bettie Beck, Ellis Warren, Millie Robinson, Mary Webber, Frances Martin, Mary Riley, Emanuel Tayler, Henry Hykes, Larkin P. Powell, Stepney Dawn, Malinda Vann, Frances Johnson, Annie Foster, Mary H. Rogers, George Washington Lane, Jane Brown, Samuel L. Young, John Buskner, Willie Cox, Leonard Howles, Malinda Murrell, Charles Claggett, Samuel Irvan, Mary Ross, Maggie Have, Ella Ross, Elizabeth Duncan, Sadie Adams, Georgeann Archer, John Claggett, Mattie Smith, Jack Jackson, Lula Sanders, George Hazelrig, Lizzie West, Maria French, Mary Johnson, Maggie Vann, William Hudson, Sarah Rogers, Abraham Ballard, Laura David, John Deekman, James B. Perry, Isaac Welch, Lawson Logan, George Howell, Henry Masir, George Adams, Annie Thomas, Lewis McConnell, Callie Vann, Lou Peters, Ida Adair, Robert Brown, Allie Chambers, Isom Jones, Alice Gunter, Katie Adair, Carrie Martin, Benjamin Clark, Emily Leoney, John Greves, Matilda McHair, Bettie Vann, Nelson Lett, Fannie Rogers, William Washington, Squire Warren Owens, Fannie Goldsby, Susan Daniels, Anderson Turk, David Lane, Felix McClain, Henderson Jones, Belle Vann, Levi Stroud, John Supter, Mariah Thompson, Ellen Sheppard, and Lula Melton.

January 19, 1906, the Commission decided adversely to all the applicants.

The record shows that none of the applicants makes claim to enrollment as citizens of the Cherokee Nation, except by intermarriage with a Cherokee Freedman; that none has ever been

swelled or admitted to citizenship by any tribal authority of the Cherokee Nation or by any United States tribunal and that none is identified on the 1880 authenticated Cherokee roll.

In view of the record and of the ruling of the Department of November 12, 1904, (U. S. D. 5048-1904) in the Lemuel Wilson case, the approval of the Commission's decision adverse to all the applicants is recommended.

Very respectfully,

E. F. Lawrence,

Acting Commissioner.

E.F.L.
T.

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

WCF
FHE.

I.T.D. 2904-1905
D.C. 20877-1905.
LRS

April 17, 1905.

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

January 24, 1905, you transmitted the record in the matter of the applications for the enrollment of the following persons as citizens by intermarriage of the Cherokee Nation, including your decision of January 19, 1905, rejecting said applications, viz:

William Davis, Henry Thomas, Ell a Vann, Mary Markham, Frances Melton, John Heston, Mary Jane Vann, Thomas Lowe, Ella Mayfield, Sallie Rider, Reuben Campbell, Van Jackson Luther, Cassie Middleton, Mary Harlin, Nellie Fields, John Kinbo, William S. Madden, Jane Beam, Albert T. Thomas, Mary Campbell, Caroline Daniels, Melvina Alberty, Dave Morris, Alexander Claggett, Amanda Martin, Eliza Martin, John H. Barnes, Bell Davis, Samuel Brown, Howard F. Watson, Jack McCanell, Maude Manley, George Reed, Sr., Buck Ledman, Bell Thompson, Lewis Scott, Abe Scott, Kender Lampton, Thomas H. Allen, Lewis Vanderford, John L. Bowlin, Katie Davis, Charles Williams, John J. Rose, Jane Martin, Lena Peterson, Alex Johnson, Martha Vann,

John Scott, Nancy Ross, Charles C. Smith, Susie Colbert,
William Skaggs, Susie Johnson, Alfred P. Hopkins, Kizzie Vann,
Freddie Looney, Lucy Chouteau, Alice Durant, Mahaley Ward,
Fred D. Thomas, Bettie Beck, Ellis Warren, Millie Robinson,
Mary Webber, Frances Martin, Mary Wiley, Emanuel Taylor, Henry
Sykes, Larkin P. Powell, Stephen Dawn, Malinda Vann, Frances
Johnson, Annie Foster, Mary M. Rogers, George Washington Lane,
Jane Brown, Samuel L. Young, John Buchner, Willis Cox, Leonard
Rowles, Malinda Murrell, Charles Claggett, Samuel Irvon, Mary
Ross, Maryie Gave, Naomi Gave, Ella Ross, Elizabeth Duncan,
Sadie Adams, Georgeann Archer, John Claggett, Mattie Smith,
Jack Jackson, Lula Sanders, George Handrig, Lizzie West,
Maria French, Mary Johnson, Maggie Vann, William Hudson,
Sarah Rogers, Abraham Ballard, Laura David, John Beckman,
James D. Perry, Isaac Welch, Lawson Logan, George Howell,
Henry McWair, George Adams, Annie Thomas, Lewis McConnell,
Callie Vann, Lou Peters, Ida Adair, Robert Brown, Allie Chambers
Isom Jones, Alice Gunter, Katie Adair, Carrie Martin, Benjamin
Clark, Emily Looney, John Greves, Matilda McWair, Bettie Vann,
Nelson Lett, Fannie Rogers, William Washington, Hquire Warren
Owens, Fannie Goldsby, Susan Daniels, Anderson Turk, David Lane,
Felix McClain, Henderson Jones, Belle Vann, Levi Stroud, John
Bumpter, Mariah Thompson, Ellen Sheppard, and Lula Melton.

Reporting in the matter March 21, 1900, the Indian Office recommends that your decision be approved. A copy of its letter is inclosed,

The Department concurs in said recommendation, and your decision is hereby affirmed.

Respectfully,

(Signed) THOS. KYLE
Acting Secretary

1 inclosure.

COMMISSIONERS:
TAMM KIRBY,
THOMAS B. NEEDLES,
C. R. BRACKENRIDGE

WM. C. BRALL
Secretary

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

| |
|-----------------------------------|
| NUMBER IN REPLY TO THE FOLLOWING: |
| Cherokee Freedmen |
| D-513. |

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, April 28, 1905.

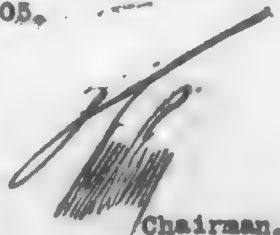
Nancy Ross,

Coffeyville, Kansas.

Dear Madam:

You are hereby advised that the Commission's decision dated January 19, 1905, rejecting your application for enrollment as a Cherokee citizen by intermarriage, was affirmed by the Secretary of the Interior on April 17, 1905.

Respectfully,


Chairman.

COPY.

Cherokee Freedmen

D-613.

Muskogee, Indian Territory, April 28, 1905.

I. P. Bledsoe,

Agent for Nancy Ross,

Choteau, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated January 19, 1905, rejecting the application for the enrollment of Nancy Ross as a Cherokee citizen by intermarriage, was affirmed by the Secretary of the Interior on April 17, 1905.

Respectfully,

WICKS

Tams Bixby.

Chairman.

COPY.

Cherokee Freedmen

D-14, et al.

Muskogee, Indian Territory, April 26, 1905

Bell, Hastings & Davenport,
Attorneys for the Cherokee Nation,
Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the Commission's decision dated January 19, 1905, rejecting the application for the enrollment of William Davis et al., as Cherokee citizens by intermarriage, was affirmed by the Secretary of the Interior on April 17, 1905.

Respectfully,

(SIGNED). *Tams Bixby*
Chairman.

COPY.

Cherokee Freedmen

D-14, et al.

Waskage, Indian Territory, April 28, 1905.

Commissioner in Charge,

Cherokee Land Office,

Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated January 19, 1905, rejecting the applications for the enrollment of William Davis, et al., as Cherokee citizens by intermarriage, was affirmed by the Secretary of the Interior on April 17, 1905.

Respectfully,

(Signed) *Tamr Blaby.*
Chairman.

G.R.

DEPARTMENT OF THE INTERIOR, LLB

WASHINGTON.

D.C.25150
I.T.D. 98-1904.
8577-1905.
9705- "
13856- "

June 16, 1906.

L.R.S.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

September 7, 1905, and October 3, 1905, there were filed with the Department motions for review in the matter of the application for the enrollment of Dave Ross et al. as Cherokee freedmen, wherein the Department on January 19, 1905 (I.T.D. 98-1904), affirmed the decision of the Commission to the Five Civilized Tribes of July 10, 1903, denying said applications.

Applicant in said motion claims to have been one of the retinue of slaves taken by Chief John Ross out of the Cherokee Nation in 1862 to Philadelphia, Pa., where he acted as servant in the family of said chief, and returned to the Cherokee Nation not later than May, 1867, and invokes the application of the decision of the Assistant Attorney-General in the Charles Foreman case of April 16, 1904 (I.T.D.3262).

The Department has carefully reviewed the evidence submitted on the original hearing, and not a scintilla of evidence is to be found in the record which even intimates that Dave Ross at that time claimed to have been one of the retinue taken by

Chief John Ross to Philadelphia as a household servant. Such a fact was certainly within the personal knowledge of applicant at the time he made the application, and it can not be claimed that such evidence then obtainable is newly discovered evidence obtained since said hearing. Applicant never claimed at the time of the original hearing that he had ever been outside of the State of Kansas and the Cherokee Nation during or since the war.

The affidavit submitted upon motion for rehearing in which said statement is made shows no service prior to filing upon the attorneys for the Cherokee Nation and is only added to the reply brief of attorneys for moving party in the case.

The Department is of the opinion that the evidence is insufficient to warrant a reopening of said case, and said motion for review is hereby denied. The Department still adheres to its decision of January 19, 1905.

With said motion for review was incorporated a motion for review in the matter of the application of John Morgan for the enrollment of himself and his wife, Cynthia Morgan, as Cherokee freedmen, denied by the Department September 27, 1904 (I.T.D. 5106), which said motion will be considered separately hereafter, as an inspection of the original record shows that both John Morgan and his wife, Cynthia Morgan, were among the retinue of servants taken by Chief John Ross out of the Cherokee Nation to

Philadelphia, Pa., in 1862. The application of John Morgan for the enrollment of himself and wife as Cherokee freedmen will be considered separately from the record in the case of Dave Ross et al., as separate decisions were rendered in each case.

You will advise Messrs. Blue & Bulger, of Vinita, Ind. T., of the denial of this motion.

Respectfully,

Jesse E. Wilson,

Assistant Secretary.

Cherokee Freedmen
R 646

Muskogee, Indian Territory, June 28, 1906.

Dave Ross,

Coffeyville, Kansas.

Dear Sir:

This office is in receipt of Departmental letter of June 16, 1906, in which the motions filed by your attorneys, September 7, and October 8, 1905, for review of your Cherokee freedmen enrollment case, are denied.

Respectfully,

M.A.

Commissioner.

Cherokee Freedmen
N 646 et al.

Washogee, Indian Territory, June 28, 1906.

Blue and Bulger,

Attorneys for Dave Ross, et al.,

Baxter Springs, Kansas.

Gentlemen:

This office is in receipt of Departmental letter of June 16, 1906, in which the motions filed by you September 7 and October 3, 1905, for review of the Cherokee freedmen enrollment case of Dave Ross et al, are denied.

For your information there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Encl. M.A.25-2.

Commissioner.

Cherokee Freedmen
R 846 et al.

Washoe, Indian Territory, June 28, 1906.

Bell, Hastings & Davenport,
Attorneys for the Cherokee Nation,
Washoe, Indian Territory.

Gentlemen:

This office is in receipt of Departmental letter of June 16, 1906, in which the motions filed September 7 and October 3, 1905, for review of the Cherokee freedmen enrollment case of Dave Ross et al., are denied.

For your information there is enclosed herewith a copy of Departmental letter referred to.

Respectfully,

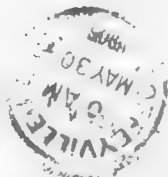
Encl. M.A.22-3.

Commissioner.



Department of the Interior.

Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.



RETURN
TO
WRITER.

APR

COFFEYVILLE, KAN.

Nancy Ross,

Coffeyville, Kansas.

72-513.

File with Cherokee Freedman

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T. May 9, 1901.

In the matter of the application of Aaron Webber for enrollment as a Cherokee Freedman.

Aaron Webber, being duly sworn and examined by Commissioner Needles, testified as follows:

- Q What is your name? A Aaron Webber.
- Q How old are you? A 36 I think.
- Q What is your post office address? A Wymer, Cherokee Nation.
- Q What district do you live in? A Cooweescoowee district.
- Q Do you apply to be enrolled as a Cherokee Freedman? A Yes, sir.
- Q Do you want to enroll anybody besides yourself? A Just myself.
- Q Have you ever applied to be enrolled by any other tribe or Nation besides the Cherokee Nation? A Yes, sir, the Clifton Court and the Wallace Court.
- Q The you apply to any other Nation, the Creeks? A No, sir.
- Q Never drew any money from any other Nation? A No, sir, I didn't.
- Q Have you been recognized by the Cherokee authorities as a Cherokee citizen? A Yes, sir.
- Q Is your name on the roll of 1880? A It is on this roll here Mr. Bledsoe has got here; I ~~was~~ come with my brother Sam Webber.
- Q Is your name on the roll of 1880? A No, sir.
- Q Did you ever draw your strip payment money? A Yes, sir.
- Q How much did you draw? A \$15.50, and then I drew this other payment, this last payment, I drew it.
- Q You drew the last payment? A Yes, sir.
- The 1880 authenticated roll of Cherokee Freedmen examined and the applicant not identified thereon.
- The 1896 census roll of Cherokee Freedmen examined and the applicant not identified thereon.
- The Kerns-Clifton roll examined, and the applicant identified thereon, page 126, No. 315, Cooweescoowee district.
- Q Were you a slave before the war? A Yes, sir.
- Q Who did you belong to? A Takie Webber.
- Q Was she a Cherokee citizen? A Yes, sir.
- Q Where did you go during the war? A Went to Kansas.
- Q When did you come back from Kansas? A Came back in 1866.
- Q You been living here ever since? A Yes, sir.
- Q Are you married? A No, sir.
- Q Ever been married? A No, sir.
- Q Got no children then? A No, sir, I haven't.
- Q You are certain you came back in 1865? A Yes, sir, I did.
- Q Who did you come back with? A Sam Webber and my father.
- Q Why is your name not on the roll of 1880? A Why I can't tell you about that.
- Q Did you ever try to have it put on? A Yes, sir.
- Q They refused to do it? A Yes, sir, must have, for it aint there.
- Mr. W. W. Hastings; attorney for Cherokee Nation: You say you returned with your brother Sam? A Yes, sir, I did.
- Q Did you come the first time he came out here? A Yes, sir, I did.
- Q What time of the year was it? A '66.
- Q What time in the year '66? A Well you see I can't read and I can't write, I didn't keep no count of the days and the months because my owner's didn't give me time to get my education.
- Commissioner: Was it in the fall or summer? A It was along in March when I came back in 1866.
- Mr. Hastings: Was it the March after the treaty was made? A Yes, sir.
- Q You are certain of that? A Yes, sir, I am.
- Q And you came back with him at that time? A Yes, sir.
- Q Did he bring his family along then? A Yes, sir.
- Q His wife and children? A Yes, sir.
- Q He had already been out there and put up a house? A Yes, sir, I had come out before that and I come with him, and we put up a house and I came back with him in '66.

Cher. Fr. R 647

Cher. Fr. R. 647

Trans. from F.D 514

File with Cherokee Freedman

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T. May 9, 1901.

In the matter of the application of Aaron Webber for enrollment as a Cherokee Freedman.

Aaron Webber, being duly sworn and examined by Commissioner Needles, testified as follows:

- Q What is your name? A Aaron Webber.
Q How old are you? A 36 I think.
Q What is your post office address? A Wymer, Cherokee Nation.
Q What district do you live in? A Cooweescoowee district.
Q Do you apply to be enrolled as a Cherokee Freedman? A Yes, sir.
Q Do you want to enroll anybody besides yourself? A Just myself.
Q Have you ever applied to be enrolled by any other tribe or Nation besides the Cherokee Nation? A Yes, sir, the Clifton Court and the Wallace Court.
Q Do you apply to any other Nation, the Creeks? A No, sir.
Q Never drew any money from any other Nation? A No, sir, I didn't.
Q Have you been recognized by the Cherokee authorities as a Cherokee citizen? A Yes, sir.
Q Is your name on the roll of 1880? A It is on this roll here Mr. Bledsoe has got here; I ~~was~~ come with my brother Sam Webber.
Q Is your name on the roll of 1880? A No, sir.
Q Did you ever draw your strip payment money? A Yes, sir.
Q How much did you draw? A \$15.50, and then I drew this other payment, this last payment, I drew it.
Q You drew the last payment? A Yes, sir.
The 1880 authenticated roll of Cherokee Freedmen examined and the applicant not identified thereon.
The 1896 census roll of Cherokee Freedmen examined and the applicant not identified thereon.
The Kerns-Clifton roll examined, and the applicant identified thereon, page 126, No. 315, Cooweescoowee district.
Q Were you a slave before the war? A Yes, sir.
Q Who did you belong to? A Takie Webber.
Q Was she a Cherokee citizen? A Yes, sir.
Q Where did you go during the war? A Went to Kansas.
Q When did you come back from Kansas? A Came back in 1866.
Q You been living here ever since? A Yes, sir.
Q Are you married? A No, sir.
Q Ever been married? A No, sir.
Q Got no children then? A No, sir, I haven't.
Q You are certain you came back in 1866? A Yes, sir, I did.
Q Who did you come back with? A Sam Webber and my father.
Q Why is your name not on the roll of 1880? A Why I can't tell you about that.
Q Did you ever try to have it put on? A Yes, sir.
Q They refused to do it? A Yes, sir, must have, for it aint there.
Mr. W. W. Hastings; attorney for Cherokee Nation: You say you returned with your brother Sam? A Yes, sir, I did.
Q Did you come the first time he came out here? A Yes, sir, I did.
Q What time of the year was it? A '66.
Q What time in the year '66? A Well you see I can't read and I can't write, I didn't keep no count of the days and the months because my owner's didn't give me time to get my education.
Commissioner: Was it in the fall or summer? A It was along in March when I came back in 1866.
Mr. Hastings: Was it the March after the treaty was made? A Yes, sir.
Q You are certain of that? A Yes, sir, I am.
Q And you came back with him at that time? A Yes, sir.
Q Did he bring his family along then? A Yes, sir.
Q His wife and children? A Yes, sir.
Q He had already been out there and put up a house? A Yes, sir, I had come out before that and I come with him, and we put up a house and I came back with him in '66.

Q The first time you came back was in March after the treaty was made? A Yes, sir, that is when we moved there.

Q How long before that was it when you came out? A I can't give the days of the months, how long it was we came out, but we came and put up a house one fall and went back and came right on down.

Q About how long did you stay out here when you had put up the building? A We stayed three or four days and then went right back and moved down.

Q What kind of buildings did you put up? A We put up a log cabin.

Q Out on Big Creek? A Yes, sir.

Q How far from where Sam Now lives? A Sam lives on the north side of Nowata and we live up there on Big Creek, I can't tell you exactly how many miles, but he lives at Nowata and we live up there on Big Creek.

Q What old citizen lives near where you first located, where you first located when you first moved out? A There isn't anybody lives there now.

Q Name some old citizen who lives at the place now where you located then? A Sam Webber.

Q Does Sam Webber live at that place now? A He did live there but he don't live there now.

Q Who lives at the place Sam and you came to? A The Neigs and Whitmires and Sanders, and a whole lot of them.

Q You have lived there ever since? A Yes, sir.

Q You came out in wagons the first time? A Yes, sir, because Sam Webber drove the ox wagon and I drove the horse wagon.

Q Do you know anything about dates? A I know when they say the year is out, and this year is in.

Q What year is this? A If I am not mistaken I think this is May.

Q The year though? A I can't tell you exactly what year it is, because I am not educated like you smart men.

Q You are satisfied in '66 you came here in March? A Yes, sir.

Commissioner: Do you know when the treaty was adopted, know what month it was adopted in, the treaty; you told Mr. Hastings you came here the march after the treaty was adopted, you don't know what month in 1866 the treaty was adopted? A No, sir, I don't.

Q Have you got any witnesses? A Yes, sir, Sam Webber, and Abe Kare.

Sam Webber, being duly sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A Sam Webber.

Q What is your age? A About 58, somewhere near about that.

Q What is your post office address? A Nowata.

Q Are you a recognized citizen of the Cherokee Nation? A Yes, sir.

Q Your name on the 1880 roll? A Yes, sir.

Q Do you know Aaron Webber? A Yes, sir.

Q Is he any relation to you? A He is my brother.

Q Was he a slave? A Yes, sir.

Q To whom did he belong? A Takie Webber.

Q Was she a Cherokee citizen? A Yes, sir.

Q By blood? A Yes, sir.

Q Where was he during the war? A He was with us in Kansas.

Q When did he come back? A He came with us when we came back in July.

Q You came in July from Kansas and he came with you? A Yes, sir.

Q What year was that in? A In 1866.

Q He was a slave the same as you? A Yes, sir, same as me, with the same owners.

Q Ought to be entitled to the same rights you have got? A Yes, sir, have just the same right, belonged to the same parties too.

Mr. Hastings: Q What time of the year was it you say you brought him back? A We came in July and built houses and went back and moved down.

Q You had heard of the treaty passed? A We came right in the same month the treaty was made in because we overtook the delegates

at Fort Scott.

Q You had heard of the treaty before you left there? A As soon as we arrived at Fort Scott, and talked to them, and they told us they had made a good treaty.

Q And you came on down and he came with you? A Yes, sir.

Q Did you bring your families at that time? A I didn't have any family then.

Q The rest of the people, they come along? A Yes, sir, I was small myself. I was with father, we came and built and went and moved some of them after that.

Q How long did you stay down there at this time? A I didn't stay long, I couldn't tell you just how long we really stayed, we didn't stay only long enough to find claims and cut logs and build shanties.

Q Who lives up there at the place that you located, now? A Reuben Sanders lives right where I built my house, he is living there to-day Mr. Ball.

Q Where did you start from when you started from Kansas down to Big Creek? A Started from a little creek six miles south of Mound, said to be about twenty miles north of Fort Scott.

Q Had you started to the Cherokee Nation when you came across these delegates at Fort Scott? A Yes, sir.

Q What was your notion about starting? A I had been down here and looked through the country and went back and told them the war was over here as well as everywhere else, and let's come home.

Q You hadn't started then with a view to saving your rights here under the treaty? A We didn't know nothing about the treaty, it wasn't made when we started as we knowed of, until we got to Fort Scott, and we saw the delegates.

Q What time was that? A Along in the last part of July, the last week in July, as near as I can remember.

Commissioner: When Aaron says he came in March he is mistaken?

A He is mistaken, he don't know dates; he is not bright enough to know dates.

Abraham Hare, being duly sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A Abraham Hare.

Q How old are you? A About 70.

Q What is your post office? A Wymer.

Q Are you a Cherokee Freedman? A Yes, sir, claim to be.

Q Your name is not on the roll of 1880, is it? A No, sir.

Q Were you a slave? A Yes, sir.

Q What was your owner's name? A Arlie Hare.

Q Do you know Aaron Webber? A Yes, sir.

Q Was he a slave? A Yes, sir.

Q To whom did he belong? A Tackle Webber.

Q Well, did you know Aaron Webber before the war? A Yes, sir.

Q Did he go out of the Cherokee Nation during the war? A Yes, sir.

Q Did you go out? A Yes, sir.

Q What made you colored people go out during the war? A We couldn't stay here.

Q Thought it was safer to go out? A Yes, sir, I had to go out.

Q Why couldn't you stay here? A They wouldn't let us.

Q Who wouldn't let you? A The Rebels and the Yankees neither one.

Q Where was Aaron Webber during the war? A He was with his father up in Kansas.

Q When did he come back? A He come back in the fall of '66.

Q How do you know? A I come with him.

Q And you came at that time? A Yes, sir.

Q Have you known Aaron Webber since that time? A Yes, sir.

Q Was he always lived in the Cherokee Nation? A Yes, sir, lived right by me now.

Mr. Hastings: Your rights are disputed? A Yes, sir, same as this.

Q You were in here this morning; your case was presented?

A Yes, sir.

Commissioner: Aaron Webber applies for the enrollment of himself as a Cherokee Freedman. His name does not appear upon the authenticated roll of 1880, but does appear upon the Kerns-Clifton pay-roll. By reason of the protest of the Cherokee Nation the name of Aaron Webber will be placed upon a doubtful card awaiting farther consideration of the Commission.

~~RECORDED IN THE OFFICE OF THE COMMISSIONER~~

Bruce C. Jones, being duly sworn, says that as Stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C. Jones,

Sworn to and subscribed before me this 10th of May, 1901.

C. E. Breckinridge,

Commissioner.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T., October, 29th, 1901.

SUPPLEMENTAL TESTIMONY in the matter of the application of Joe Ross
C. F. D. 360.

Appearances:

W. W. Hastings for the Cherokee Nation.
Mallotte & Smith for the applicants.

DOUGLAS WALKER, being first duly sworn by Commissioner C. E. Breckinridge, testified as follows for the Cherokee Nation.
(By the Commission)

- Q Give me your full name? A Douglas Walker.
Q How old are you? A 30.
Q What is your post office? A Mound City, Kansas.

(By Hastings)

- Q How long have you lived in Mound City, Kansas? A Since May 1857.
- Q What was your father's name? A James Walker.
- Q What was your mother's name? A Mamma Walker.
- Q Was your father and mother here the first of the month? A Yes sir.
- Q They testified in this matter at that time did they? A Yes sir.
- Q Do you know Samuel Webber? A Yes sir.
- Q Did you know his son Samuel Webber? A Yes sir.
- Q Where did you know them? A Near Mound City, Kansas; in the neighborhood where I live.
- Q Do you know the applicant here? Joe Ross? A I knew him as Joe Webber.
- Q Is the the same fellow? (pointing) A Yes sir.
- Q Where was he living at the time? A He lived with the older Sam Webber at the time.
- Q You know this applicant here is the same party? A Yes sir.
- Q Did you know a woman named Chlora? A Yes sir.
- Q What relation was she to Joe Ross? A Sister.
- Q Did you know Aaron Webber a little duck legged fellow? A Yes sir.
- Q Where did you know him? A In the same family in Mound City, Kansas, Linn County.
- Q Whose farm did Samuel Webber live on, if you know? A He lived on a farm that belonged to a man named Jeff Flemmings.
- Q I mean in the year 1866? A My father bought the farm.
- Q Of whom did he purchase the farm? A Of Flemmings.
- Q Do you know where young Sam Webber was married? A He was married there in Linn County, near Mound City, in the neighborhood there, where I was living.
- Q Did he marry before or after he moved from that country? A Before he moved.
- Q Mr. Walker, have you looked up the date of when your father purchased that farm? A Yes sir.
- Q The date of the deed? A Yes sir.
- Q What was that date? A The date of the deed is October '66.
- (By Mr. Smith) Object to that if you have not the deed.
- (By Mr. Hastings) Have you looked up the date? A Yes sir, but have forgotten the exact date as to days.
- Q At that time, where was Sam Webber living? A On this farm that father purchased.
- Q Where was young Sam living at the time he married? A On this farm on the same place.
- Q What is your best judgment as to the time Sam Webber, including Joe Ross, Chlora Grayson and Aaron Webber left that country with their women folks and come to this country? A According to my best recollection it was the latter part of February or early in March of '67, I can't state exactly the month; early in the spring of '67 though.
- Q Did they all move down at the same time? A All started together.
- Q Left there together? A Yes sir.
- (By Mr. Smith)
- Q You say you know that this applicant in this case is the same man that you knew at that time in Kansas as Joe Webber? A Yes sir.
- Q How did you know it? A I recognized his countenance as one man knows another.
- Q How? A Well I saw him.
- Q When? A Today.
- Q Where? A On the street.
- Q And you knew him as Joe Webber? A Yes sir, the name Joe Ross was not used much.
- Q When did you first become acquainted with old man Sam Webber? A In '63 he moved on that farm.
- Q Which farm? A The farm my father bought in the neighborhood where I lived, the old Flemming farm.
- Q When did your father buy that farm? A In the fall of '66, I have forgotten the exact day, in October or September.

Q Who owned the farm at the time old man Sam Webber was on it? A Jeff Flemming owned it until my father bought it.

Q How do you know it was '63 that you became acquainted with Sam Webber? A I remember that it was during the last years of the war and the refugees were coming into Kansas, both white and black, in '63 and they were amongst them.

Q Did any come after '63? A Yes sir some came later and some came earlier, and I remember again by this farm, I remember how long they farmed it before we got it.

Q How long? A Three years--four years in the spring of '67.

Q They farmed it four years before your father got it? A They farmed from '63 to '67.

Q You say the reason you know that you know that man in '63 was because you knew how long they worked this farm before your father got it? A Yes sir.

Q You say it was in September of 1867 that your father bought that farm? A In '66.

Q You are positive about that? A Yes sir we got possession the first of March '67.

Q Did old man Sam Webber rent this place from your father? A No sir he rented it from Flemming.

Q Did Sam Webber, the old man and the boys, come down here or leave that country in the fall of '65? A I think not.

Q Don't you remember that they did and that the old man came back by himself one time? A If my memory serves me, it was in '66, late in the summer, or early in the fall of '66.

Q What was in the fall of '66? A That they came down here--started away from there.

Q Who came then? A Sam Webber, the old man, and young Sam and Aaron.

Q What is your recollection as to how long they staid? A They came back I think in November or late in October.

Q Well which came back first? A Why I think the older Sam Webber came first.

Q How long do you think it was before you saw Sam Webber Jr. again?

Q Well, it was a short time, a month or so--I can't recollect that, it is a good while ago.

Q Who helped Sam Webber make a crop in '66? A Johnson Webber and the old man Sam made a crop in '66.

Q Who helped him? A Them two and the little boys I think worked too, Aaron did, I don't know but as Joe did too, I don't remember much about that.

Q Where was old man Sam Webber in July 1866? A That summer he raised that crop and worked part of the summer for my father on this farm.

Q Is it not a fact that in July of 1866 that Sam Webber Jr. came here for his father and that they left there for this country to build some houses? A That is not the way I remember it.

Q You have stated that it was a long time ago, do you think that you remember the dates absolutely? A Not to the day or month exactly, but that is my best recollection.

Q Are you testifying to the best of your recollection? A Yes sir.

Q Do you remember of Sam Webber Jr. bringing any hides to that country?

A Yes sir.

Q When was that? A In the fall or beginning of the winter of '66 and '67 he brought some hides and furs.

Q To refresh your memory, was it not in March? A March when?

Q '68? A No sir.

Q Upon what trip was that that he brought those hides? A He left and said he was coming down on a hunting trip.

Q Was that the trip when he left Kansas and when old Sam returned first that you spoke of a while ago? A Yes sir, that was the one, the same trip.

Q Do you remember of Sam Webber selling out a crop up here? A I don't.

Q Do you remember of them leaving there to come to the Territory to build some houses? A Yes sir.

- Q Was that after the time that he brought the hides there? A It was that trip that he left there for the purpose of building some houses that he brought the hides when he returned.
- Q Dont you remember of them leaving there to come to the Territory for the purpose of building houses? A Well that was wither in the spring or winter, in the latter part of February or early in March I have not given the matter any considerable study.
- Q How do you fix the dates you have given? A I remember them and then by the dates I have looked up.
- Q What dates have you looked up? A The purchasing of this land.
- Q Are you testifying from the date of the purchase of that land? A Father bought the place in the spring of '66 on condition and paid \$80 down, or traded cattle, as a forfeit, and in the fall he got some money and got full possession of the place; Webber had possession until the first of March, that is the Kansas law, from the first of March one year until the first of March the next year; they had possession of it until March first 1867.
- Q Mr. Walker, when you had occasion to investigate this matter, you had forgotten all about it practically hadn't you? A No sir, but it was something I had not thought much of.
- Q You couldn't have told on the moment what year Sam Webber left there could you? A I would have had to look at the dates.
- Q Then you are not testifying from your recollection, but from the dates that you have looked up since? A Part of it is from recollection and part of it is from looking up the dates.
- Q How long has it been since you thought of the time Sam Webber left that country before you made this investigation? A I was asked the question as to when they moved and I hadn't given the matter any thought till then.
- Q You didn't know then did you? A Yes sir after I thought it over.
- Q How long did it take you to think it over? A I dont exactly remember.
- Q Can't you give us some idea of it? A 2 or 3 weeks.
- Q Were you here when your father testified in this case? A Yes sir.
- Q Did you know as much about it then as you do now? A No sir.
- Q How long was that from the time you had first been asked to about the date? A I had not expected then to give testimony in this case and had not thought much about it.
- Q What were you doing here then? A I was subpoenaed in another case.
- Q You had been talking about this case then? A Not much.
- Q How much? A A word or two.
- Q And you were here all the time your father and mother were her and yet didn't testify in this case? A Yes sir.
- Q You went back to Kansas? A Yes sir.
- Q And came back here again to testify? A Yes sir.
- (By Hastings)
- Q You were subpoenaed by the Cherokee Nation? A Yes sir.
- (Continued by Stenographer J. O. Rosson)

Chas. von Weise, being sworn states that as stenographer to the Commission to the Five Tribes, he reported in full the above cause and that the foregoing is a true and complete transcript of his stenographic notes therein.

Chas. von Weise.

Subscribed and sworn to before me this the 9th of November, 1901.

T. B. Needles,

Commissioner.

-2-

The undersigned, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he made the foregoing copy and that the same is a true and complete copy of the original.

Ray Palmer

Subscribed and sworn to before me this 15th day of August, 1908.

William L. Jones
Notary Public.

Before Commissioner Brookinridge, at Tallahassee, I.D., Supplemental C.F.D.-350, Joe Ross.

(By Stenographer: This following testimony was originally taken down by stenographer J.O. Roosen, and afterwards dictated by him to stenographer M.D. Green.)

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HENRY C. SHORT, being sworn and examined by Commissioner Brookinridge, testified as follows:

- Q Give me your full name? A Henry C. Short.
 Q How old are you, Mr. Short? A 49.
 Q What is your post office? A Mound City.
 Q In the Cherokee Nation? A In Kansas.
 BY MR. HASTINGS:
 Q How long, Mr. Short, have you lived in and about Mound City, Kansas? A Well ever since the spring of 1857.
 Q What was your father's name? A John Short.
 Q Were you living there in the years '66 and '67? A Yes sir.
 Q Were you living in town or in the country? A Living in the country.
 Q Do you know Douglass Walker that left the stand? A Yes sir.
 Q Did you know a colored man by the name of Sam Webber up there? A Yes sir.
 Q Do you know that young Sam Webber, his son? A Yes sir.
 Q Do you know Joe Ross? A Yes sir.
 Q This is the man there? (Pointing to the applicant.) A I wouldn't have known him unless he had been pointed to me. They always called him Joe; I don't remember about him being called Joe Ross up there.
 Q Have you talked to him? A Just spoke to him.
 Q Did he recognize you as being the man? A He recognized me as being Short by talking him who I was and where I was from; he claimed that he was one of the boys.
 Q Do you know Aaron Webber, a little duck legged fellow? A Yes sir.
 Q Where did you live in the spring of '66? A In Lim County, on Elk Creek, in Kansas.
 Q Did you live on the same place in the fall of '66? A Yes sir.
 Q Did you live in the same house? A I lived in the same house now that I moved into in the fall of '66.
 Q Well now what time in the fall did you move into it? A Well now it was the last of October or the first of November, I won't say which; along about in them times I moved, that is my folks moved; of course I was small, I moved there after that from the west part of the place to the east part of the place.
 Q Do you know where Sam Webber was at that time? A They lived then at that time in the fall of '66 they lived on the place known as the Fleming place, adjoining farms of ours.
 Q Were they living there when you moved? A That fall?
 Q Yes sir? A They were living there then.
 Q I will ask you what is your best judgment as to the time they moved with their families and left that country? A Well I could not say just how, for I have got nothing to fix them dates. The best of my judgment they left there in February.
 Q February now of what year? A Of '67, I would say that, but now I ain't certain, I ain't got no opinion about what time they left.
 MR. SMITH: Now I move to strike out the testimony to that effect, because the witness says that is his opinion.
 Commission: We will take it for what it is worth and let the Commission pass on it.
 BY MR. HASTINGS:
 Q That is your best judgment? A Yes, sir.
 Q That is your best recollection? A (No response.)

Joe Ross (exp. 11) 6

Q You said I believe you knew they were there in the fall? A Yes sir, that is all I can state positively. I don't know how long they were there.

Q You know that by your word? A Yes sir, that is the only thing I have got you know.

Q Do you know Joe's sister, Chloa? A Yes sir, there was a girl there called Chloa, I supposed it was Joe's sister.

BY MR. SMITH:

Q Mr. Short, how old were you then? A About 15 years old, September 9, 1866.

Q Now when were you asked first as to the time when Sam Webber left that country? A When was I asked first.

Q Yes? A I think it was last Sunday.

Q Well you didn't know did you? A No, I don't know and what day he left there at all.

Q Did you have that opinion then? A Yes, I have the same opinion I got now; it was the best of my opinion they left in the spring; I got nothing to say they did or did not.

Q Where was Sam Webber, Jr., in February 1866? A I don't know.

Q Where was he in October, 1865? A He was on the Creek.

Q Did you see him? A Yes, he was there; he hadn't moved, he come down here and went back again in the fall; and the whole family was all there in the fall.

Q That was in the fall of 1865 was it? A Fall of 1866.

Q I am talking about 1865? A Well they was there too.

Q Did you see him? A Yes, of course they was there.

Q Of course, well how do you know did you see him? A Yes I saw him.

Q Where did you see Sam Webber in the fall of 1865? A Oh I don't know; he worked some for us.

Q Did he work for you in the fall of 1865? A Worked for my grandfather some.

Q That young Sam Webber? A Yes, sir.

Q You say you knew young Sam Webber, the younger of the two?

A Yes, sir, I knowed young Sam and old Sam too.

Q Did you know young Sam Webber, called Sam Webber, Jr.? A Yes sir, of course it has been a long time from the time I saw him, from the time he left there until I come down here; saw him the first time as soon as I moved there.

Q What did you say about his being a boy? A I suppose he was a young man, I couldn't say as to that.

Q What about Joe Ross, was he a boy? A Yes sir, Joe was younger than me if I am not mistaken? A Wasn't much difference in the ages; but I think he was younger than me.

Q Now is it not a fact that Sam Webber and his father old Sam Webber and Aaron Webber came to the Cherokee Nation in the fall of 1865?

A I think not, I don't think they did; they was there in 1865 but they was going and coming all the time; they come down in 1866 and located.

Q They came in 1866 and located? A Yes sir, but they come back and got their family.

Q Now you know only that they were there in 1865? A I know they were there in '66.

Q You don't know what time in '65 they were there? A They were there before '66.

Q Well I am talking about '66; were they there in the spring of '66?

A I couldn't say what time of the year; I think they were there all the time.

Q You don't know whether they were there all the time in 1865 or not? A No sir, I couldn't say they was.

Q Do you remember Sam Webber Jr. and Sam Webber Sr. and Aaron Webber coming down to the Cherokee Nation at any time? A They come down in the summer of '66 I think, directly after crops was made; they come down here and they went back together back up there in the fall.

Joe Rose (sup'd) 7.

Q Well did they ever come back together? A I don't know whether they did or not; Aaron didn't come back I don't think.

Q What about Sam Jr., did he come down with his father? A Yes sir, I don't know whether Aaron came back or not; I know Sam and the old man came back and got the family.

Q Do you know that they came back together? A Yes, I am pretty sure that they came back. I know I saw them afterwards.

Q Do you remember of Sam Webber Jr. ever bringing any hides into the country? A No sir, I don't remember; I remember Sam telling me he had his cabin up.

Q When did he tell you he had his cabin up? A In the fall of '66.

Q He had been down here in the fall of 1866 and had built a cabin? A Yes sir, he told me he had his cabin built.

Q And now that I think now when they took all the people out you think was in what time? I don't know, but it runs in my mind as February or March. I won't say anything about that.

Q What year? A '67.

Q You say you won't say anything about that? A I don't know whether it was or not.

Q You don't know whether it was or not? A No sir, that is a fact; but it runs in my mind it was.

Q There was Sam Webber during the winter of 1865 and '66, the winter that commenced with December, 1865 and ends with February 1866? A I think he was there.

Q Well, did you see him there? A Yes, I think he was there pretty much all the time.

Q Well do you know it? A I got no way to fix it; that's my opinion he was there.

Q You can't state it positively that he was or was not? A I know most of them was there and I believe he was too.

Q You can't state that positively? A No sir, not unless I got something to fix the date.

Q You won't say that? A No sir.

Q Now can you remember about Sam Webber coming up there in the spring of 1866 and bringing some beef hides? A No sir, I can't remember; of course then dates is a long time ago; Now I have got these things fixed in my head that was in the fall of '66 I was moving from one farm to the other, and that was in the fall.

Q You didn't go off of that farm? A No sir, just moved from the west to the east side.

Q And you were a boy about 13 years old? A Yes sir.

Q What is there in that to fix the date in your mind it was in 1866 any more than 1865 you moved? A I know we moved from the things that occurred; the death in the family of a young man that was there; I know it was '66.

Q Now about that now; about the deaths in the family? A There was a young man died in the family in '69, 3 years after we moved there it must have been from the things that he did when we moved from one house, but he didn't move in his house at all.

Q You don't seem to be positive about any of these dates you give? A Why I do, when the family moved over, remember that fact.

Q I mean about Webber's movements? A They was all there in the fall of '66; they was all there in October or November one of the two months, because we moved then.

BY MR. HASTINGS:

Q Now you never missed them up there in 1865 did you? A No sir. Mr. SMITH: I object to that; it is not competent whether he missed them or not.

Q Did you ever miss them up until the summer of 1866? A No sir, I have no recollection of them leaving there until that.

Q That is your first recollection of them leaving? A Yes, sir. Mary A. Fiske, being sworn and examined by Commissioner Breckinridge, testified as follows:

Q Give me your name, Madam? A Mary A. Hicks is the way I sign my name.

Q How old are you? A If I live to the 21st of next month I will be 67 years old.

Q What is your post office? A Mantox.

Q Is that in Kansas? A Yes sir.

BY MR. HASTINGS:

Q How far do you live from Mound City, Kansas, Mrs. Hicks? A I live 6 miles.

Q How long have you lived in that neighborhood? A Ever since the spring of 1867.

Q Were you living there then after the war? A Living there in the time of the war.

Q Do you know Mr. Walker, Douglass Walker, that has been on the stand? A Yes sir.

Q Do you know Mr. Short that left the stand here? A Yes sir.

Q Mrs. Hicks, did you know of a man up there by the name of Sam Webber? A Yes sir.

Q How far did you live from him just after the war? A Well I think it was about 175 steps; they used water out of my well.

Q Did you know his son, young Sam Webber? A Yes sir.

Q Well did you know a little short one called Aaron Webber? A Yes sir.

Q Did you know a boy called Joe Ross? A Yes sir.

Q Have you seen any of these parties since you have been here this time? A Why I met Joe Ross down there; he said he knew me and come up and shook hands with me and I saw Sam Webber.

Q I will ask you to look if this is the same parties now? A Well I tell you Ross don't favor himself so much, but Joe he is just like his father and I knowed him because he is just like his father; well old uncle Sam was older than Sam is of course.

Q I will ask you if you had any deaths in your own family in the fall of '66? A Yes sir.

Q What was the date of it? A The date of the death?

Q Yes, madam? A Well it was in October.

Q Did you make any record of it in your Bible? A Yes sir.

Q Is this your Bible? A I reckon it is; if you will let me look I will tell you.

Q Look at it and see if this is your Bible? I think it is, but I can't read it, I haven't got my specs.

Q You haven't got your specs? A No sir.

Q Well of the family record here of births and deaths appear this: "Franklin Hicks, was born November 7, 1864." A Yes sir.

Q And under the column of deaths appears: "Died October 23, 1866" A That is correct.

Q Who was Franklin Hicks? A He was my son.

Q Do you know where Sam Webber was when your son Franklin died? A No sir, I could not tell you.

Q Don't know? A No I don't; you mean this Sam?

Q That man? A Oh the old gentleman; he lived up there by me I think; I am not positively he lived there then.

Q Do you know where his wife was? A His wife died there.

Q Well do you know whether she was dead at the date of your son's death? A Yes sir, she died I think before he died; there was an old lady, they called her old aunt Rhoda, living.

Q She was living? A Yes, sir.

Q Was she a member of this family? A Yes sir, she lived there with them.

Q Well do you know whether she was there during the sickness of your child? A Yes sir, she sat up with me several time, and if it was a bad night and she saw me she come in she would come and sit up with me.

Q Did you know a sister of Joe's called Calara? A Yes, sir.

Q Now I would like to have your best judgment Mrs. Hicks as to the time Old Sam Webber moved with his family and children from that country? A . . .

MR. SMITH: The applicant objects to the witness giving her opinion as to the time when this sickness took place, because it is not the subject of their expert or opinion evidence.

COMMISSIONER: I understand the question to be her best recollection.

A It has been a long time you know.

Q Well, answer the question? A About him being there?

Q I want to know, the question is, what is your best recollection as to the time Sam Webber and his family, when he left Kansas with his family? A -

OBJECTIONED to by applicant.

A Well my best recollection was that, I would not be positive of course, but I think it was in February or March, or of the other. The best of my recollection, because the old lady, old aunt Radda and uncle Cy, that was her husband, they both was old and feeble and I think old uncle Sam stayed there on that account more than anything as long as he did.

Q Well now that would be February of what year? A It would be '67 wouldn't it?

Q You lived then about 175 yards from them? A Yes sir, I could hear them sing over there and hear them laugh and talk to my house.

Q On whose place were they living? A Well they was living on Mr. Walker's place then.

Q He had recently purchased it? A Yes sir.

Q Do you remember who he purchased it of? A I think it was a man by the name of Fleming; I think it was Fleming owned it.

BY MR. SMITH:

Q About how long, Mrs. Micks, had Mr. Walker owned this place at the time these people lived there? A Well I couldn't answer that question.

Q Well you could tell whether it had been a few months or whether it had been a year or two? A It was, I suppose it may be quite a while; I couldn't tell you.

Q You remember that Mr. Walker owned a place there? A Of course I know he had charge of the land; I think Mr. Walker bought it from Mr. Fleming if I ain't mistaken.

Q And you know these Webbers were living on the Walker place?

A Yes, sir.

Q Well what is your best recollection as to how long Mr. Walker had owned that place? A I don't know; I won't pretend to say anything I don't know; I don't want to meddle with, I didn't come down here to criticize or anything about it; I want to tell the truth as far as I know.

Q Where was young Sam Webber in December, 1865, and up until January or February of 1866? A I could not tell you where he was, I think Sam worked out some around; I didn't tell you whether he was at home all the time or not; I could not tell you.

Q Where was young Sam Webber at the time your child died? A I couldn't tell you that; This one.

A Yes? A I don't know.

Q He was not there was he? A I don't know, I couldn't say as to that.

Q Do you remember old man Sam Webber and young Sam Webber and Andy Webber and others leaving? Aaron Webber and others leaving that community in 1866 and coming down to the Cherokee Nation? A I recollect only Sam coming down here, I don't know, I won't be positive, I guess though it was in '66.

Q Well about how long was it ago, your best recollection, before this date in the fall that you have spoken of? A I don't know.

Q Don't know? A No I don't; but I recollect about it, he brought me back spice wood and sassafras root.

Q Do you remember young Sam bringing some hides in to the community?

A No sir, I didn't charge my mind with anything like that.

Q Well now give me some idea, Mrs. Hicks, about the time old man Sam Webber started off on this trip to the Cherokee Nation in 1866 that you testified about? A Why I don't know; he came in the fall I reckon.

Q You don't know whether it was fall, summer or spring? A No sir, I don't.

Q Well how is it you have no better recollection of this very time that you mention he came than you have of the first time? A I know he was there when that child of mine died.

Q And you don't know how long after that? A No; they went along the latter part of the winter, but I don't know what time I think though it was in February or March.

Q You couldn't be positive whether it was February or after Christmas could you? A I don't think it was before Christmas.

Q You don't think that was? A No I can't, for several facts.

Q You can't state positively whether it was before or after Christmas, you can't swear it? A I wouldn't want to swear it either way.

Q Where did you move from so this place that you live? A Where did I move from?

Q How long have you been living at this place now where you lived when your child died? A I have been living on the place ever since the spring of '67.

Q About how long did you remain on the place? A I stay there yet, when I am at home; my husband is dead.

Q Do you know how many trips Sam Webber made to the Cherokee Nation before this time that he came away from there the last time? A No sir, I don't.

Q You know of his coming one time? A I know him and his father and I think Aaron, and I don't know whether Joe was along or not.

Q Well is this Joe? A Well of course, oh that one, Joe Webber that one sitting there?

Q Yes? A I think it is.

Q Which one of them don't look familiar? A That one, he was nothing but a boy when I knew him.

Q Which one, the right one here, the black one? A Yes sir.

Q What is his name? A Joe we always called him.

Q And what is this man right here? A Sam, that is the way we always called him.

Q You think that is the man you knew up there in Kansas? A That Joe? A I don't know, he says it is; he was nothing but a boy when I saw him.

Q You don't recognise him then? A Hardly, I wouldn't know; he says he is the man; I used to think he was a very good boy when they lived there, but then he has grown out of my knowledge.

Q You don't know where the old man Sam Webber was in July 1866 do you? A No sir.

Q You remember anything about young Sam Webber coming for the old man and the family in July 1866? A Well he might have come after them but they didn't come down here in July.

Q You don't know when they did come? A Why I think they come some time in the latter part of the winter, but I say I could not be certain what month it was, in February or March.

Q You won't be certain it was either of them? A I say they left, I was there and saw them start.

Q You would be certain it was either February or March? A I think they did.

Q You think so? A Yes sir.

BY MR. HASTINGS:

Q I was going to ask you if you knew about young Sam Webber marrying? A They said he married; I didn't see it down.

Q Did you hear of his marrying up there? A Yes sir.

Q Was that before or after he left? A It was before they left.

JANE SPEARS, being sworn and examined by Commissioner Break-
inridge, testified as follows:

- Q Give me your full name? A Jane Spears.
Q How old are you? A I am 44 years old.
Q What is your post office? A Mound City.
Q In the State of Kansas? A Yes sir, Mound City, Kansas.
BY MR. HASTINGS:
Q Mrs. Spears, was Mrs. Hicks who left the stand your mother?
A Yes sir.
Q How long have you lived in and about Mound City, Kansas, I mean
in the neighborhood? A Well I came there when I was about a year old.
Q And have you lived there ever since? A Yes sir, well since I
have been married I have just moved one mile north.
Q You moved a mile north of your mother? A Yes sir.
Q Do you know Douglass Walker? A Yes sir.
Q Do you know Henry C. Short? A Yes sir.
Q Do you remember at an early date just after the war some colored
people that lived up there; one of them by the name of Sam Webber?
A Yes sir.
Q Do you remember his son Sam? A Yes sir, I know him.
Q Were you living with your mother at that time? A Yes sir.
Q Did you know Joe, that was living with them, Joe Ross? A Yes sir.
Q Have you seen any of these parties since you have been here this
time? A I met them to-day.
Q Talked with them some? A Well I just spoke to Joe; Sam I did
not.
Q Did he recognize you? A Well he let on as though he did; I don't
know that he did; I suppose he heard we were here.
Q I will ask you if this is your mother's family Bible? A Yes sir.
Q That is the family record of the births and deaths? A Yes sir.
Q I will ask you if you had a brother by the name of Franklin Hicks?
A Yes sir.
Q Do you remember the date of his death? A Yes sir, October 23,
1866.
Q I will ask you if you know where the Webber family was living at
the time he died? A Yes sir, they were living there.
Q About how far from your mother's? A About 175 steps I suppose,
in a cabin.
Q Short distance? A Yes sir.
Q Did you know Aaron Webber, a little short legged duck legged
fellow? A Yes sir.
Q I would like to know from you Mrs. Spears your best recollection
as to the time old man Sam Webber left that country permanently with
his family? A -

BY MR. SMITH: The counsel for the applicant objects to that
question, because it is incompetent and calls for the opinion
of the witness.

COMMISSION: The counsel for the applicant has put a number of
questions in the same form and asked as to their best recollec-
tion that exists; it is entirely competent to give the best re-
collection and belief in regard to the facts.

Q My best recollection is that it was in the spring of '67, either
February or March.

Q Did you know whether or not young Sam Webber married up there?
A Yes sir.

Q Did you know whether that was before or after they left there?
A That was before they left there.

BY MR. SMITH:

Q Mrs. Spears, did you know Sam Webber, Sr., leaving that country
and coming to the Cherokee Nation, or leaving that country for the
Cherokee Nation before the time you mention? A He came in the fall
I think, or summer sometime and got a claim I think.

- Q Fall of what year? A '66, and then came back.
- Q Now do you remember Young Sam Webber's coming back with reference to the time Sam Webber Sr. came, who came first when they returned from this trip looking for slaves you speak of? A They came together.
- Q You are sure of that? A Yes sir.
- Q Where was Aaron Webber, did he come back with them? A I don't remember very much about him.
- Q You don't remember whether he did or not? A No, I won't be positive whether he came with them or not, when they came after their claims.
- Q Do you know when the older Sam Webber made the first trip to the Cherokee Nation after the war? A Well it was in the fall of '66 I guess, about that time, either summer or fall.
- Q Either summer or fall? A Yes sir, sometime along in the summer or fall.
- Q Might not it have been the late spring? A No, it was not, because he made his crop there and then came afterwards.
- Q Made a crop in '66? A '66.
- Q What did he do with that crop? A I suppose he put it up here, disposed of it.
- Q Do you know whether he sold it or not? A No, I don't know whether he sold it or not, I think they fed it to their stock before they left.
- Q Where was Sam Webber Jr. in December 1865? A I don't know where he was at.
- Q Where was he in January and February of '66? A January or February of '66, I can't say.
- Q Where was he in July of '66? A I don't know where.
- Q Do you have any recollection of Sam Webber Jr. coming there after his father in July 1866? A No, sir.
- Q Do you have any recollection of Sam Webber coming there at any time with any hides, beef hides or any kind of hides? A No sir.
- Q Where was old man Webber living in the year of 1866? A He was living there close to my mother's farm I speak of.
- Q In 175 steps of you? A Yes sir.
- Q And you don't remember of his coming there at any time off of a trip except the time he came back with his father? A He went to Fort Scott I guess, I never tried to keep any trace of him whereabouts.
- Q Now what makes you think it was February or March of '67 that these people left there? A Well I have all reasons to believe that around stances about it; well the old darkey had a cane patch and the darkey boys trapped on the land that winter.
- Q These darkey boys? A The Webber boys.
- Q Did what? A Trapped for some that winter on the patch of cane where we had left the seed on the corn.
- Q That the winter that commenced in December and ended in February, December, '66 and February of '67? A It was all in the winter of course.
- Q Well the winter is pretty well over by the last day of January isn't it? A Not always it ain't.
- Q Well the bigger part of it, two months is gone isn't it? A No sir, not in our country.
- Q How many months do you have in the winter there? A Some winters we have pretty hard and some winters we don't have so much.
- Q So that as a matter of fact the fact that they trapped there on your place during the winter would not of itself lead you to believe that they didn't leave there until February or March? A Well it was along toward spring they left; that is the best of my knowledge.
- Q Now in what way do you fix the date, you speak of your people then is that the way you fix the date, by that? A No sir, I fix it by memory, of course that is the way by the people, of this child's death; they were there then, that is, the family were, I don't re-

member so much about the men; there was an old lady that moved down here with the men that sat up with my brother in his sickness.

Q Do you remember Sam Webber bringing you any sassafras and spice switch up there? A Yes sir.

Q When was that? A That was the first time they came down.

Q When was it? A That was in '66.

Q What month? A I don't know.

Q Can you state within two months of the time? A No I don't know as I could.

Q Can you remember that as well as you could the other time? A (No response).

Q You know that they were gone from there before the spring of '67, and it must have been in '66 they brought the sassafras? A Yes sir.

Q What was it, sassafras roots? A Yes sir.

Q That must have been in the spring? A I don't know.

Q Well they don't make sassafras in the fall? A We used it for tea

Q It was not in the spring at all Sam Webber brought the sassafras?

A No sir, it was not; he didn't bring it at all; the old gentleman brought it.

Q Well now as a matter of fact do you remember any one of these people being there at the time your brother was sick and died except the old woman Rhoda? A Well this family was there on the place; I don't remember them being there.

Q Well if they were you tell me who you saw except Rhoda the old woman? A Well I don't know as I remember. There was Johnson's wife, of course I don't just remember who was there, I was just a child then; there was a great many of the neighbors in, but I remember the old lady, sitting up with my brother at the time he was sick.

Q Now isn't it a fact that the old lady Rhoda is the only one you remember being there at the time? A No sir.

Q Now who else was there? A Chlora was there.

Q Well now name some other one, all you know that was there? A I don't know, I don't remember them, there was hardly any day but what they was there, some of them.

Q Well now that I want to know, who was there except this woman, Rhoda? A I don't know anything about that.

Q You don't know? A No sir.

Q How many trips did the Webbers make down here to this country, do you know? A They came once and got claims and came back and went again.

Q All you know of? A Yes sir.

Q If they made others you don't know it? A No sir, I don't know anything about any more trips they made.

Q Now when was this entry in this Bible, the date of your brother's death, made, was that made at the time? A Just when he died?

Q Yes? A I don't know as it was, I suppose about the time.

Q Well about when, do you know who wrote that? A I know who wrote that?

Q That is what I am talking about? A This was drawn off from another Bible.

Q You don't think that this entry, "Lizzie Bell Lewis, born September 1st, 1868" is in the same handwriting that this is do you?

A No sir.

Q You don't know that this is in the same handwriting? A No sir, it is not.

Q Now who wrote that date, October 23, 1866? A Park Nichols.

Q Well now can you tell me how nearly at the time of your brother's death that entry was made? A No sir, I could not.

BY MR. HASTINGS:

Q How long has this Bible been in your mother's possession? A I can't tell.

Q Has this entry been in here a long time to your knowledge? A Yes sir, it has been several years.

Q It was in there long before any investigation came up wasn't it?

A Yes sir.

BY MR. SMITH:

Q Didn't Sam Webber and his father come down here in '65? A If they did I never missed them from home.

Q If they came here you didn't miss them? A No sir.

MARY A. PITCHER, recalled for additional cross examination.
BY MR. SMITH:

Q Mrs. Hight, when was the entry upon this Bible you have with regard to the date of the death of your child made with reference to his death? A Well I don't just remember when it was; it was not long.

Q Was it put there at or about the time he died? A Why it was not long after he died.

Q Well give us your best judgment as to how long? A Well he died that fall and I don't know just how long it was.

Q Well was it as much as a month? A I won't say sir.

Q You can give some idea? A Well I tell you now, I won't say anything when I don't know anything.

Q I thought probably you might know better than I do, as I know nothing about it? A If I knew when I set it down I would recollect it; I have had a good deal of trouble about it.

Q I don't want to cause you any trouble about it, but I would like to know, it is some importance in this case? A There was a young man working for us that set it down.

Q What was his name? A His name was Nichols.

Q Do you remember how long after your child died before Nichols went to work for you? A No sir.

Q Well when it was set down what was it set down from, your recollection? A Why I had a husband then and all of us recollect it, who wouldn't recollect it?

Q I am asking you how long it was before this entry was made, if you can tell me? A I don't know when.

Q Do you think it was as much as two years? A No sir.

Q It was not? A No sir, if I should guess at anything about it I should think it was along in the summer sometime, I should think now, afterwards this young man was breaking prairie and of course he broke it in the winter.

Q Was this the first place it was made where it was made here in this Bible? A Yes sir.

MR. SMITH: If the Court please, I want to show by the title page of the Bible that it was not published until in 1869.

COMMISSIONER: The title page has been examined and it shows that the edition of the Bible in evidence was published in Philadelphia in the year 1869.

BY MR. HASTINGS:

Q Do you remember, independent of the Bible, of the dates of your son's death? A Yes sir.

Q You didn't attempt to give distinctly when that entry was made in your Bible? A No sir.

Q You so stated? A Yes sir.

BY MR. SMITH: I object to that; it is leading.
BY MR. HASTINGS:

The Representatives of the Cherokee Nation ask that the testimony of Sam Webber, recalled, in the case of Jefferson Ross and others, Freedman D-872, be made a part of the record in this case.

COMMISSIONER: It is ordered that the testimony just taken be filed as supplemental testimony in Cherokee Freedman Doubtful case 495, the same being the case of Orlora Grayson, and it will likewise be filed in Cherokee Freedman Doubtful case 216, the case of Aaron Webber, and in Cherokee Freedman doubtful case 350, the same being the case of Joe Ross.

It is further ordered that a set of all the testimony

Joe Ross (sup'1) 15

given by Sam Webber in Cherokee Freedman Doubtful case 872, the same being the case of Jefferson Ross, be filed in case Cherokee Freedman D-350, of Joe Ross, and in Cherokee Freedman D-496, of Chlora Grayson, and in Cherokee Freedman D-216, of Aaron Webber.

M. D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in this case, as dictated to him from the stenographic notes of JOHN C. Rosson, by said Rosson, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

M. D. Green.

Subscribed and sworn to before me this November 14th, 1901.

J. C. Starr,

Notary Public.

SEAL.

SUPPLEMENTAL:

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T., May 22, 1901.

In the matter of the application of Elizabeth Meigs for enrollment as a Cherokee Freedman;
REUBEN SANDERS, having been before sworn by Commissioner Breckinridge, testified as follows:

- Q Give your name? A Reuben Sanders.
Q How old are you? A I am only about 50 past.
Q You gave testimony just now in the case of Elizabeth Meigs?
A Yes sir.
Q And you want to correct a statement you made there? A Yes sir, I wish to make the statement that it was in January, 1867 when we made the last move, about the first of the month; it was the following August in 1866; we had been here in August you know, in '66 and in October, and we made the last move in '67, January, and I put it down February I think; I wanted to say January.
Q How do you find out now it was January instead of February?
A It was just after Christmas that we was on the road coming down.
Q How long after Christmas? A Perhaps a week after Christmas; my reason for stating this is this, along Christmas- a few days before Christmas there was a man got killed named Hayford, and there was a gentleman killed him, a colored man killed that man Hayford, a man by the name of Mackey, and we started then right shortly after that killing was, and the parties followed us, thinking he was with us, in our crowd, that was just the following- a few days after Christmas, a week, or after Christmas.

Examined by Cherokee Representative, W. W. Hastings:

- Q How old are you? A Well I just don't know my age exactly, I suppose that I am about 50 years old; something in that line.
Q Where did you say that killing took place? A In Kansas.
Q Fort Scott? A Yes sir.
Q And the man that was accused of the killing was named what? A Named Mackey.
Q You remember his first name? A No.
Q You remember the man who was killed, you get his first name? A No sir I don't.
Q Did you ever learn afterwards whether or not that man was caught, do you know? A It seems to me like I learned afterwards that the man was caught. No I don't know nothing about that part of it.
Q You know what county Ft. Scott is in? A No sir.
Q Who called your attention to this ~~prunt~~ error? A I thought so myself; I called my own attention to it; I was studying over it, I did.
Q You know now it was only a few days after Christmas? A Yes sir, a few days after Christmas.

Com'r Breckinridge: This statement will be filed as supplemental in the Elizabeth Meigs case, to be considered in connection with the former statement of the witness, and the other evidence relating to the date in question.

M. D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

M. D. Green.

Subscribed and sworn to before me this May 23, 1901.

C. R. Breckinridge,
Commissioner.

File with Cherokee Freedman D-391, Elizabeth Meigs

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T., October 15, 1901.

In the matter of the application of Elizabeth Meigs et al. for enrollment as Cherokee Freedmen.

Testimony introduced on behalf of the Cherokee Nation.

Appearances:

L. T. Brown, agent for the applicant;
J. S. Davenport, of counsel for Cherokee Nation.

L. T. Brown: I would like to have the record show that sometime next week the applicant intends to introduce as witnesses in this case, Aaron Wright, Reuben Sanders, Dan Sanders, and Sam Webber, for the purpose of showing that all the applicants in this case returned to the Cherokee Nation during the time prescribed by the Ninth Article of the Treaty of 1866.

Commissioner Needles: Hasn't that already been shown?

L. T. Brown: And that they have had a continuous residence in this country since that year.

Commissioner Needles: Well, that is all right.

ROBERT MEIGS, being duly sworn by Commissioner Needles, testified as follows.

Mr. Davenport: What is your name? A Robert Meigs.

Q Where do you live? A I live five miles southwest of Tahlequah.

Q What is your postoffice? A Park Hill is my postoffice.

Q How old are you? A I am 56 my next birthday.

Q How long have you lived in the Cherokee Nation? A I have lived here all my life except a little while time of the war, from '64 to '66.

Q Did your people own any slaves before the war? A Yes sir.

Q Do you know whether they owned a woman by the name of Elizabeth?

A No sir.

Q Do you know whether or not they owned her mother, or anybody of the family? A Elizabeth, no, sir.

Q Well, did you know Peter Meigs? A Yes sir.

Q Do you know what his wife's name was when the war broke out?

A Betsy they called her.

Q Well, was she living, Betsy, at the time the war broke out?

A Yes sir.

Q Well, did you ever know her by any other name than Betsy?

A Bettie.

Q Where was Peter Meigs and his family at the breaking out of the war? A Well Peter was with us at home at the breaking out, but he and his wife was up there somewhere near the Dutch Hills on the Arkansas line.

Q Well I wish you would look at that woman there and see if she is the woman you knew as Betsy or Bettie or whatever you knew her by (indicating applicant)? A Yes, I think that is the one, I have never seen her but once.

Q That is since the war? A I just saw her once in my life and that was time of the war, after the war.

Q Did you ever see Peter Meigs and his family after the war? A Yes, sir, saw Uncle Peter.

Q What year was that? A Sometime after '71.

Q What were the circumstances as to your seeing him or meeting him?

Q Why he had to come down to Council to see about fixing up his rights, and he came down to visit my brother John, we were right to other, and I went up there to see him.

Q Did you have a conversation with him or did he have a conversation with your brother John in your hearing where he and his wife were present in regard to his right of when he returned? A Yes sir.

Q Give that conversation as near as you can.

L. T. Brown: The applicant objects to this witness relating any conversation he might have had with Peter Meigs, for the reason that Peter Meigs is dead and cannot affirm or deny this statement.

Commissioner: The objection will be noted and the witness will answer.

Q Go ahead and state what the conversation was between you? A He was talking about returning, he said he came down here in the fall of '66 and started to make him a place somewhere on Big Creek and his family wasn't with him, and afterwards when he returned why it was too late when he brought his family.

Q Did you ever see any other members of his family excepting he and his wife at the time you speak of? A No, sir, just him and his wife is all, I wasn't acquainted with the children.

Q Do you know where he was living at that time? A He said he was living on Big Creek somewhere.

Q That was in what year? A This was after '71 sometime, I don't know just what time it was.

By L. T. Brown: Now what did you say that conversation was, Mr. Meigs? A Say he said that he had come down to make him a place somewhere up here on the Verdigris, or Big Creek, and he started to make him a cabin, and put up the wall, and then went back for the family.

Q He told you that he came down and started him a little cabin with the intention of making him a home in the fall of '66? A He said he came down and started to make him a home.

Q In the fall of '66? A Yes, in the fall of '66.

Mr. Davenport: Well, what did he do after he started that home, did he say, after he started that cabin? A Went back after his family.

Q And he stayed up there till when he came back down here it was too late, is that what he told you? A Yes, sir.

L. T. Brown: How long did he tell you he stayed up there in Kansas after he made the first trip? A He didn't state, I believe he gave but one date.

Commissioner: This testimony will be made part of the record in the case at bar, and also part of the record in D case 394, D-396, D-398, D-401, D-402, D-401, D-407, and D-775, and the sub-references.

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C. Jones.

Sworn to and subscribed before me this the 7th of November, 1901.

T. B. Needles,

Commissioner.

Filed with Cherokee Freedman D-

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T., May 22d 1901.

In the matter of the application of Elizabeth Meigs for enrollment as a Cherokee Freedman; she being sworn by Commissioner C. R. Breckinridge, testified as follows:

- Q What is your name? A Elizabeth Meigs.
Q How old are you? A I dont know my age.
Q About how old are you? A I was four years old when we came here with the old settlers.
Q Was that when the Cherokees first moved to this country from the old nation? A Yes sir.
Q That would make you about 71 years old now wouldn't it? A Yes sir I guess so.
Q What is your post office? A Centralia.
Q In what district do you live? A Cocweescocwee.
Q Do you want to be enrolled as a Cherokee Freedman? A Yes sir, I do.
Q Who do you want to have enrolled besides yourself? A My children.
Q Have you any children under twenty-one years old? A No sir.
Q They will have to apply for themselves then. A (No response).
Q Have you a husband? A No sir he is dead.
Q Then you only apply for yourself? A Yes sir.
Q Have you lived here ever since you came with the Cherokees in 1837? A Yes sir.
Q How long have you been called Meigs? A Ever since I was nothing but a girl.
Q Were you married to a man named Meigs? A Peter Meigs.
Q Is he dead? A Yes sir, five years ago in September.
Q Was he a Cherokee Freedman? A Yes sir.
Q Were you a slave in the Cherokee Nation before the war? A Yes sir.
Q To whom did you belong? A Reuben Daniel.

The 1880 authenticated roll of the Cherokee Nation examined and the applicant's name not found thereon.

- Q Are any of your family on that roll that you know of? A Yes sir, Alice Sanders is on it, she is a daughter of mine, Alice is.

The 1880 authenticated roll of the Cherokee Nation examined and the name of the applicant's daughter identified thereon as follows:
Page 176, No. 2652, Alice Sanders, Cocweescocwee district.

The 1896 census roll of the Cherokee Nation examined and the name of the applicant not found thereon.

- Q Did you draw your Cherokee strip money? A Yes sir.

The Kerns-Clifton roll of the Cherokee Nation examined and the name of the applicant found thereon as follows:
Page 100 No. 2512, Eliza Meigs, Cocweescocwee district.

- Q Did you ever go by the name of Daniel? A Yes sir them was my owners.

The Wallace roll of the Cherokee Nation examined and the name of the applicant found thereon as follows:
Page 132, No., 40, Elizabeth Daniel.

NOTE: Wife of Peter Moigs.

Wallace roll of the Cherokee Nation examined and the name of the applicant found thereon again as follows:
Page 131, No. 2748, Elizabeth Moigs, Coowasecoowa district.

Q Where were you during the Civil war, did they take you out of the Cherokee Nation? A I was at Fort Scott during the war.
Q When did you come back? A In the winter of '63.
Q What time in the winter? A Well it was in the winter.
Q Was it before Christmas, or after Christmas? A My husband was down here in the Christmas.
Q When did he bring you down? A In the winter after he went from here on Big Creek.
Q He came ahead of you then? A Yes sir.
Q What time did he leave Kansas? A I cannot tell you when he first came.
Q Did he leave Kansas before Christmas? A Yes sir he came here in the winter of '66.
Q Did he leave Kansas in the winter? A Yes sir.
Q Was he down here when Christmas came? A Yes sir.
Q Do you know how long it was before Christmas before he started to come here first? A No sir I dont.
Q How long was it after Christmas before he got back to you in Kansas? A Directly after Christmas.
Q How long after Christmas before you and he started down here together? A Directly after.
Q He spent Christmas that year in the Cherokee Nation by himself? A Yes sir my husband did.
Q What members of your family came down with you and your husband? A These children.
Q Did you bring your child Alice Sanders with you? A Yes sir.
Q All the children? A Yes sir.
Q Can you explain why you are not on the roll of 1880? A No sir.
Q Do you know why you are not on that roll? A No sir I dont know nothing about the rolls.

By W. W. Hastings, Cherokee Representative:

Q Auntie, what provisions did your husband make after he had been to the Cherokee Nation, to come down here with his family? Did he sell off what you had in Kansas? A Yes sir what little we had, we never had much to sell.
Q Where were you living in Kansas then? A Fort Scott.
Q About how long did it take him to get ready to come to the Cherokee Nation after he went back up there? A No time after he got back till we all come here.
Q Was it as much as a couple or three weeks? A Yes sir I guess so.
Q And then you started down here? A Yes sir.
Q Was it in the spring of the year when you reached here? A No sir in the winter.
Q The leaves were not budding out then on the trees when you and your husband and children got here? A No sir there warent no buds nor nothing on the trees, it was winter I tells you.
Q You all came in wagons did you? A Yes sir.
Q Who came with your husband down here when he first came? A Old man Mike Sanders.
Q Who else? A Reuben Sanders.
Q Who else? A Daniel Sanders.

- Q Any one else that you remember? A There was little Sam Webber and old man Sam Webber.
- Q Any other Webber's? A Aaron Webber.
- Q Did any one else come down? A I don't remember any one else now, I am a telling you.
- Q Were you there when they started down? A We all come together.
- Q But I mean when your husband come on in advance of you. Who come with him then? Did these parties that you have named come with your husband when he first come down? A Yes sir.
- Q You were at Fort Scott then? A Yes sir.
- Q And they all started together? A Yes sir.
- Q These that you have named are all the you can think of at the present time? A Yes sir.
- Q Did they come in wagons or on horse-back that time? A They come in wagons when they first come.
- Q And after Christmas you all come down did you? A Yes sir.
- Q Did you come in wagons then? A Yes sir.
- Q Did you come by a little place called Chetopa? A Yes sir.
- Q Where did you come to in the Cherokee Nation? A I come right where I am living yet when I come to the Cherokee Nation.
- Q And you are living there yet? A Yes sir, that old house was built in '86.
- Q What house? A That one we is living in.
- Q And you are living at the same old place? A Yes sir, in the same old house.
- Q On what creek is that? A Big Creek.
- Q Was any one living on Big Creek when you came there besides your own crowd? A No sir, down on Verdigris there was some living.
- Q You were the advance family or crowd that came to Big Creek were you? A Yes sir, we was the advance guard.
- Q Did you see any one from Chetopa along the road through the Nation to Big Creek when you came there? A Yes sir.
- Q Did these people who first come down with you husband return with him and then come down again when your family all came after Christmas? A Yes sir.
- Q You all came back together? A Yes sir.
- Q Now Auntie, did any additional people--any other families come down with you? A I don't know who all come down, I am just a telling you what I know.
- Q There was Daniel Sanders, and Reuben Sanders and there was William Sanders, and Sam Webber, old and little Sam, they all come with you? A Yes sir.
- Q Did Aaron Webber come? A Yes sir.
- Q And your family? A Yes sir.
- Q Are there any that I missed? A That is all that I come you.
- Q Is that all that come? A Aaron Wright come with us.
- Q Who else? A (No response).
- Q Were there any others at all? A I am a telling you all that I can think of now, it has been a long time for an old woman like me to remember all that come.
- Q You come to the place that you are living at now did you? A Yes sir and has lived there ever since.
- Q Have you any Cherokee neighbors there now that were old residents? A No sir, there was some lived on Verdigris when we come down.
- Q What? Lemie Riley was there on Verdigris, but not where we was living.
- Q How far from where you settled? A I don't know how far.
- Q Was it as much as 4 or 5 miles? A As much as ten miles if you guess at it right.
- Q Were they the closest residents to you at that time? A Yes sir.
- Q Were there any Delaware Indians there when you come there? A No sir I never saw none.

Q Any Obages? A No sir, never saw none.
 Q You didn't see any body on Big Creek, neither white or black, except those that came with you? A That is all.
 Q And you have been there ever since? A Yes sir, ever since we moved there.
 Q You say your husband Peter Meigs built a house there? A There a log house there and he bought the house and we moved to it.
 Q Who built the house if you know? A Henry Harold.
 Q Was he a colored man? A Yes sir.
 Q Is he living? A I don't know if he is or not.
 Q Some 3 or 4 years after you came down here your husband went to Tahlequah before the court, didn't he, to see about his citizenship? A Yes sir.
 Q They didn't admit him then did they? A I don't know sir.
 Q You know he was admitted? A I don't know nothing about it, I never paid any attention to any such things as them then.

By the commission:

Q Were you ever admitted by the Cherokee or United States court for Commission? A I don't understand what you say.
 Q Did you ever have your right to be enrolled as a Cherokee citizen before any kind of a court? A Yes sir my man enrolled us before he died.
 Q I mean in court? A That is what I am telling you.
 Q You know what a court he don't you? A Yes sir.
 Q What court do you know? A Kerne Clifton court.
 Q Any other court that you know of? A I know of the Wallace court.
 Q Any other? A No sir.
 Q Did he ever have anything done about his case by the Cherokee Council? A I don't know what was done, my man went there every year or two but I don't know what was done there.
 Q How long did it take you and these people to come from Kansas to the Cherokee Nation? A I don't know how long we were on the road.
 Q Have you any witnesses with you that you want to introduce? A Yes sir.

RUBEN SANDERS, called and sworn by Commissioner C. R. Breckinridge, testified as follows on the part of the applicant.
 (Examined by the Commission)

Q What is your name? A Ruben Sanders.
 Q How old are you? A I suppose I am about 50.
 Q What is your post office? A Centralia.
 Q How long have you lived in the Cherokee Nation? A All my life.
 Q Were you a slave in the Cherokee Nation when the Civil war broke out? A Yes sir.
 Q Who did you belong to? A James Sanders.
 Q Were you taken to Kansas during the war? A Yes sir.
 Q You have a wife named Alice have you? A Yes sir.
 Q How long have you and she been married? A About 20 years perhaps more.

The 1880 authenticated roll of the Cherokee Nation examined and the name of the applicant's son-in-law identified thereon as follows:

Page 175, No. 2887, Reuben Sanders, Cooweescoowee district.

Q Did you ever have to carry the question of your citizenship before any court? A Yes sir.
 Q What court? A The Chambers court.
 Q Is that the only one? A Yes sir that is the only one; I was admitted by the Chambers Court.

Q Where was it sitting? A At Tahlequah.
 Q In what year was that? A I cannot tell what year it was.
 Q Your citizenship had been disputed had it? A Yes sir.
 Q When was your right to citizenship first disputed? A It was during the time that Thompson Goodrich was chief.
 Q Was that before the 1880 roll was made? A Yes sir.
 Q Did the court decide in your favor? A Yes sir.
 Q Was there any dispute made then about your being put on the 1880 roll? A No sir.
 Q Were you required to show a copy of the decision of the court in your favor when you went to enroll in 1880? A No sir.
 Q Did they ask you any questions when you went to be enrolled in 1880? A No sir.
 Q Where did they take your name? A I was in Coosawhatch Bend, at the time.
 Q Do you know the Applicant Elizabeth Heigel? A Yes sir.
 Q Your wife is her daughter? A Yes sir.

By W. W. Hastings:

Q Peter Heigel's citizenship was disputed the same time yours was? A Yes sir.
 Q Did he go before the court at the same time? A No sir, I think not.
 Q His wife's citizenship was also disputed? A I judge so.
 Q Did she go down before that court? A Not to my knowledge.
 Q Did he go down to Tahlequah to the court before that time? A Yes sir I think he went down to the Bob Daniels court, think he went with my father.
 Q Was Bob Daniels Chief Justice of that court? A Yes sir.
 Q Just a few years after the war? A Yes sir.
 Q In '71 wasn't it? A Yes sir.
 Q Was any action taken in that court? A I don't know.
 Q You were not there yourself? A No sir.
 Q You were about 15 or 16 years old when you come back? A Yes sir I guess so, I don't exactly know how old I was.
 Q You were not married then? A No sir.
 Q How long long after you got back before you married? A Not very long after I got back.
 Q Did you marry on your way down here? A No sir.
 Q How long had you been here before you married? A I have been married twice.
 Q How long had you been here before you married the first time? A Not very long.
 Q As much as a year? A May be so.
 Q Is that your best judgment? A My best judgment is perhaps that it was that long.
 Q When were you married to your present wife? A Upwards of 30 years, or so.
 Q How long did you live with your first wife? A Not very long, she died.
 Q A year? A Perhaps it was, maybe a little longer.
 Q Then you married your present wife? A Yes sir.
 Q When you came to the Cherokee Nation how did you come the first time? A In wagons.
 Q The first time? A Yes sir.
 Q Who came with you? A Several were on horse-back; it is beyond my knowledge how many there were.
 Q Tell all you can remember? A We made a trip in August and one in October, and then we moved here in the winter.
 Q Did you come in August? A Yes sir.
 Q Who came with you then? A Some of this family, Peter Heigel and got his place; the heads of these families.

- Q Who else came with you? A My brother Dan and the Whitmires.
 Q Which ones? A Several.
 Q Which ones? A Mosq and Dennis, and the Webbers.
 Q Name them. A Old man Sam and younger Sam and little Aaron, and a man named Mr. Thurman, and Abe Hair, and I don't know who else, I don't know the names.
 Q Who came with you come in October? A I don't know who all come then, some of them, some come and some more come in October.
 Q Do you remember any additional persons? A To the best of my knowledge the Smith family.
 Q What was his first name? A Old man Cessar Smith.
 Q You come in both of the detachments yourself? A No sir.
 Q Which one did you come in? A I came in August.
 Q You didn't come in October, then? A Yes sir, I come when we first come; we brought some of our farming utensils when we come in August and left the on the creek.
 Q On Big Creek? A Yes sir.
 Q Where Mrs. Meigs lives? A Yes sir.
 Q And you returned in October, how long did you stay in October.
 Q We all didn't return in October, we didn't all go back, some staid in August, some staid and some came back, some of us brought our things with us and some came to look out homes, we all come with the intention of making our homes here.
 Q When did you afterwards move here the last time? A In the winter of '66 is when we come down here the last time.
 Q What time in the winter? A Long in January.
 Q You mean in '67.
 Q No in the winter of '66.
 Q If you came here in the August and October of '66 and then returned for your families and came back here in the following winter, in the following January or February, that would be in '67? A I don't understand you, we come here in the winter of '66 is what I said, in January, after we had first been here in August and October, we came right to where Mrs. Meigs is living now.

By the Commission:

- Q You say your first came here in August of '66? A Yes sir.
 Q That was your first coming was it? A Yes sir.

By Hastings:

- Q When you moved here permanently, tell all that you possible can remember of who came with you in the January or February following?
 A This family is one, her, the Meigs family, Peter Meigs, Elizabeth Meigs, Mary Meigs, George Meigs, Simon Meigs, Harriett Meigs, Perry Meigs, that is all that I can remember of that family.
 Q I don't mean only of that family, there were other families were there not? A Old man Billie Norman.
 Q Who else? A He had several children.
 Q The heads of families I mean? A Fannie Sanders; I don't recollect them all; I don't know as I can call the names of all of them.
 Q Were any of the Webbers along? A Yes sir.
 Q Old man Sam and young Sam? A Yes sir; I would not pretend to call them all over as I had forgotten them Webbers and so I can't remember for if I had forgotten them I don't think I can remember any of the others.

By the Commission:

- Q Did old man Sam Webber come? A Yes sir.
 Q Did his son Sam come? A Yes sir.

Q Dont you remember any one else? A Rachel Webber.
 Q Do you think of any one else? A No.
 Q You know that it was a mooted question before the Kerns Clifton Commission as to who came at this time and as to when you come? A. I havent been interested as to anyone except for myself.
 Q You know that there is a question about who came dont you? A Yes sir I guess I do.
 Q You say you came to Big Creek? A Yes sir.
 Q Did you come by the way of Chetopa? A Yes sir I guess that we did, I dont know that they called it Chetopa then, there was a house or so there.
 Q Did you cross the river there? A What river.
 Q Neosho? A No sir.
 Q You didn't cross at the Gilstrap ferry? A No sir we crossed 20 or 30 miles from there.
 Q You came through what is Chetopa and came on west through the prairie? A We may have.
 Q You were in Wagons? A Yes sir.
 Q Were there any persons living on any of that country from Chetopa west, out to Big Creek except your own people who had come in August or October before that? A I have no knowledge of any one living there before that.
 Q Were there any houses there except those that your crowd built? A I dont know of any houses, but there were foundations for them on Big Creek.
 Q Then the houses were not built before you moved there with your families? A Yes sir some were, there were logs on some up 8 or 10 logs high.
 Q Then there were none really completed until you moved there with your families? A No sir.
 Q Did you make a crop there the first year that you moved there? A Yes sir as near as we could with one horse plows and hoes.
 Q Do you know Jim Martin? A Yes sir.
 Q How far does he live from you now? A 4, 5 or 6 miles.
 Q Was he living there when you people moved there? A No sir.
 Q He had a brother named William Martin? A Yes sir.
 Q Was he living out there then? A No sir.
 Q There was an old man by the name of Carter living out there then, wasn't there? A No sir, there was an old man named Carter living 20 miles perhaps from there quite a while after we come there.
 Q Was his name Dick Carter? A I think it was.
 Q You say he lived some 20 miles from there? A Yes sir 20 miles below, on the Verdigris river. He come some time after.
 Q Do you know if that ferry that you crossed the Neosho river was called Gilstrap ferry? A No sir we never crossed on Gilstrap ferry.
 Q There were no farms made there when you passed through--no citizens had farms up there? A No sir none that I saw.

By the Commission:

Q You stated, I believe, that the first time that you come to the Cherokee Nation after the Civil war closed was in August of '66?
 A Yes sir.
 Q For what purpose did you come back then? A To make it our home; the proclamation had told us to come home, that it was open for us to come.
 Q You didn't bring your families with you then? A Only part of them and some things that we had.
 Q Part came with their families and part came to prepare for their families? A Yes sir.

- Q What men were with you on that first trip? A This family, the Meigs family, not all of this man's boys, but the old man Meigs, Peter Meigs.
- Q You didn't bring your family with you at that time did you? A No sir.
- Q Did Peter Meigs bring any of his family then? A No sir.
- Q Did you go back to Kansas after that? A Yes sir.
- Q When did you bring your family? A Our family came in October.
- Q When did Peter Meigs go back to Kansas? A I think with my father.
- Q You came yourself in August? A Yes sir with my father.
- Q You went back to Kansas after that? A Yes sir my father went there and I went with him.
- Q When did Peter Meigs go back? A He went with the crowd.
- Q Did he go with you and your father? A Yes sir.
- Q Then you returned to the Cherokee Nation again in October? A Yes sir.
- Q Did your father come with you? A Yes sir.
- Q Did all the members of your own family come with you? A No sir, not all of them come in October.
- Q Where was Peter Meigs in October? A He come with us at each trip.
- Q Did he go back to Kansas with you? A Yes sir.
- Q And then you came back here to the Cherokee Nation in October? A Yes sir.
- Q Did Peter Meigs come back with you to the Cherokee Nation in October? A Yes sir.
- Q That made the second time that Peter Meigs had been here? A Yes sir.
- Q Where was Peter Meigs in Christmas of '66, do you know? A No sir I don't exactly know where he was in Christmas of '66.
- Q When Peter Meigs got back to the Cherokee Nation with his family did he settle in the Cherokee Nation near your family? A Yes sir.
- Q How far apart? A Two or three hundred yards apart.
- Q Did he then go back to Kansas for his family after he made that October trip with you? A No sir he went back after something to eat.
- Q You stated that he brought his family the last time in February, when did he go back after his family? A The third time he brought his family.
- Q You staid here then? A Yes sir.
- Q When did you come? A In the winter.
- Q Was it in February? A Must have been in December.
- Q What about that February trip you spoke of? A It was in the winter some time. Snow on the ground.
- Q Did your father come at that trip? A Yes sir.
- Q Your mother? A Yes sir.
- Q Peter Meigs? A Yes sir.
- Q His wife? A Yes sir.
- Q That was your third trip? A Yes sir.
- Q Was that your last trip? A Yes sir.
- Q When did your wife Alice come? A Come then.
- Q On that third trip? A Yes sir.
- Q You say Peter made all three trips with you? A Yes sir.
- Q Every time you came he came? A Yes sir.
- Q Every time you went back to Kansas he went back? A Yes sir, that is to the best of my knowledge.
- Q Did he go there by himself? A No sir.
- Q Do you remember distinctly that you came here in August the first time? A Yes sir.
- Q Do you remember distinctly that Peter came with you in August and October? A Yes sir.
- Q Do you remember distinctly that he come with his family when you made your third and last trip? A Yes sir.
- Q With his family? A Yes sir.

By Com'r Breckinridge, -

The applicant states that she was a slave in the Cherokee Nation from the time the Cherokees moved to the Indian Territory in 1837 until she was liberated by the Civil war. She is identified on the Korns-Clifton roll and on the Wallace roll, but not on the 1880 roll or upon the roll of 1896. The testimony indicated that her husband first returned to the Cherokee Nation after the war, coming from Kansas in August of 1886, that he came at that time to prepare for the bringing of his family back to the Cherokee Nation. He is now deceased, but he and the applicant were married at that time and had several children. The testimony further indicated that the applicant's husband made a trip back to Kansas in October, but not with a view of relinquishing his purpose to bring his family to the Cherokee Nation, but apparently to get provisions. It further appears that he returned to the Cherokee Nation with his wife and children in the following month of February. There is some conflict of testimony in regard to this matter, but so far that is the weight of the testimony. It also appears that proceedings may have been had by some Cherokee Court, either a citizenship court or the Cherokee Supreme Court, prior to the date of the Cherokee Court, affecting the citizenship of this applicant and her husband and all those who may claim through them. It will be necessary to make further inquiry upon this point, and if possible to get an official copy of the record. Under these conditions, the applicant will now be listed for enrollment on a doubtful card and the final decision of the Commission will be made known to her at her post office address.

RECEIVED

Chas. von Weise, being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes therein.

Chas. von Weise.

Subscribed and sworn to before me this the 28th of May, 1901 at
Chelsea, I. T.

T. E. Needles,

Commissioner.

ADMISSIONS

and sworn to before me this November 26, 1901.

Witness my hand.

and sworn to before me this November 26, 1901.

Defendant, I. T.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
NOV 26 1901

(Witness 5) L. T. ...
(Witness 6) Green ...

and sworn to before me this November 26, 1901.

and sworn to before me this November 26, 1901.

Department of the Interior,
Commission to the Five Civilized Tribes,
Cherokee, I. T., June 1st, 1901.

In the matter of the application of John J. Rose for the enrollment of himself, as intermarried Cherokee Freedmen; and two children as Cherokee Freedmen; he applying as intermarried; being sworn and examined by Commissioner Needles, he testified as follows:

Appearances:

Mr. Smith, of Mellette & Smith, for applicant.
Mr. L. B. Bell, for Cherokee Nation.

- Q What is your name? A John J. Rose.
Q What is your age? A About 55.
Q What is your post-office? A Lenapah, Indian Territory.
Q What district do you live in? A Cooweescoowee District.
Q You apply to be enrolled as a Cherokee Freedman? A No sir, as intermarried adopted.
Q Who do you want to enroll besides yourself? A 2 little boys Robert Rose.
Q How old is Robert? A About 15 years old.
Q What is the next child's name? A James Rose.
Q How old is James? A James is about 12.
Q Are you married? A No sir, I am a widower.
Q Your wife not living? A Yes sir, she is living; we was divorced.
Q What is the mother's name of these children? A She is married again.
Q Who has got these children? A I have got them in custody.
Examined by Attorney Smith:
Q What was your wife's name when you married her? A Emily Dannenberg.
Q Have you a witness where who knew as to whom she belonged?
A Yes sir.
Q Did you know her during the war yourself? A No sir.
Q You can't state from your personal knowledge who she belonged to?
A No sir.
Q Nor where she was during the war? A No sir. I never got acquainted with her until after the war.
Q When did you get acquainted with her? A In the fall of '65, near the close of the war.
Q Where was she? A At Lawrence, Kansas.
Q In '65? A Yes sir.
Q How long did you stay in Lawrence after that? A I lived in Lawrence about, - let me see, about three years, I think it was '68 when I left there.
Q Did she leave Lawrence? A She left Lawrence in the fall of '66 the next year after the war closed.
Q Did she make any statement as to where she was going? A She was coming to the Nation with her mother.
Q Where did you marry her? A I married her in Lawrence, Kansas, the first time I married her, and I married her the second time in the Indian Territory.
Q How did you marry her in the Territory, under what law?
A Under the Cherokee law.
Q Have you got the certificate? A I have got a certified copy.
(Produces papers.)

Attorney Smith: I desire to offer a certified copy of a certificate of his marriage to his wife, issued by the clerk of Cooweescoowee District. (Takes paper to Cherokee Rep'r Bell, who examines it.)

Com'r Needles: The applicant presents a certified copy of marriage certificate certifying that he was married according to the laws of the Cherokee Nation on the 28th day of September, 1860, marriage license issued in '74, 28th day of

John C. Rose et al 2

December, and married to Emily Rosenberg, wife of the Hon-
or. 22nd of September 1882, to Emily Rosenberg.

Examined by Attorney Smith:

- Q Have you ever been recognized as a citizen of the Cherokee Na-
tion? A Yes sir, I have been recognized, the rights to vote.
Q Have you voted in the Cherokee elections? A Yes sir.
Q Have you ever had any permits issued to you? A I don't think
I ever applied; yes I have, but I have no copies of them.
Q You have had permits issued to you? A Yes sir.
Q About when, do you remember? A It has been 14 or 15 years
ago, I never paid any attention to it.
Q Did you ever have any law-suits in the Cherokee courts?
A One, yes sir.
Q Who with? A Not named Carleyhead, Delaware citizen.
Q In what court? A Civil court, it was then, held at Big Creek,
Cooweescoowee District.
Cherokee Rep're Ball: I object to the introduction of this ev-
idence, for the reason that it is not the best; the records
could be obtainable, or allowing such, it is made that they are
not obtainable.

Com'r: Well, go on.

BY ATTORNEY SMITH:

- Q Well now, Mr. Rose, where do you live now? A I live five
miles north of Lonsapah, Cooweescoowee District, Cherokee Nation.
Q Are these two children, Robert and James, living with you?
A Yes sir, when I am at home they are.
Q Are these children on any of the rolls? A Yes sir.
Q Robert and James, what rolls? A They are both on the Kerns-
and Clifton roll, and I think one of them is on the Wallace roll,
I am not positive.
Q How old is Robert? A 14, going on 15.

Kerns-Clifton roll of citizens of the Cherokee Nation ex-
amined for applicant's children and identified
page 146, #3619 Robert Rose, Cooweescoowee District.
page 146 #3621 Jim Rose, Cooweescoowee District.

1880 authenticated roll of citizens of the Cherokee Nation
examined and applicant is not identified thereon.
1896 census roll of citizens of the Cherokee Nation examined
and applicants not identified thereon.
Kerns-Clifton roll of citizens of the Cherokee Nation examined
and applicant's former wife, identified as follows:
page 146, #3616 Emily Rose, Cooweescoowee District.

Examined by Cherokee Representative, L. B. Ball:

- Q You don't claim anything but intermarried right? A And the
right to enroll these two children.
Q When did you marry Emily Rosenberg first? A First time I
married her I think it was in 1867, along in June.
FURTHER TESTIMONY IN THIS CASE TAKEN BY STENOGRAPHER
CHARLES VON REISE.

M. D. Green, being first duly sworn, states that as stenographer to
the Commission to the Five Civilized Tribes he correctly recorded
the testimony and proceedings in this case and that the foregoing is
a true and complete transcript of his stenographic notes thereof.
Subscribed and sworn to before me this 6th day, 1901.
(signed) M. D. Green,
(signed) T. L. Needles,
Commissioner.

June 1st, 1901, CONTINUATION of the above.

By Chas. von Weise, Steno.

Harry Still, being sworn by Con'r Needles, as a witness for the applicant, testified as follows:

By Mr. Smith:

- Q What is your name? A Harry Still.
- Q What is your post-office address? A Hayden.
- Q How long have you lived in the Cherokee Nation? A About 54 years.
- Q How old are you? A About 54 years old.
- Q Did you know Emma Rose or a woman who was the wife of John J. Rose? A Yes sir.
- Q What was her name before she married Rose? A Dannenberg.
- Q Was she a slave? A Yes sir.
- Q Who did she belong to? A Dick Dannenberg.
- Q Was he a Cherokee citizen? A Yes sir.
- Q Where was Emma Dannenberg when the war broke out? A She was living with her master then.
- Q Where? A In Flint.
- Q In the Cherokee Nation? A Yes sir.
- Q Do you know if she was taken out of the Cherokee Nation during the war? A Yes sir.
- Q Did she come back after the war? A Yes sir.
- Q When did she come back? A In the fall of '66 long about the last part.
- Q Who came back with her? A She came back with her mother, sister, brother, me, my mother, my sister, Reed Whitney.
- Q Where did you come to? A Come to Lightning Creek.
- Q How old was Emma at that time? A Her and Jane was both good sized girls-- young ladies.
- Q Who was their mother? A Tilda Dannenberg.
- Q Where did they locate when they came? A Stopped at a place now known as Hayden.
- Q And where is this woman Emma now? A She is living about 8 miles from Hayden in what is known as the Jim Martin settlement.
- Q Where does John Rose live? A Some six miles from Lenapah.
- Q How long has he lived there? A The first time that I saw those people I can't exactly fix the date, it was on California Creek over 20 years more than that; must have been in 75 or 76.
- By Bell-
- Q Was this Tilda Dannenberg married? A No sir, she was a widow.
- Q Where did she settle? A Near what is Hayden now.
- Q How long did she live there? A 5 or 6 years.
- Q And kept these children with her? A Not all the time.
- Q How long did she have them? A 2 or 3 years when she first came there.
- Q I mean Emma Rose-- I am speaking of John J. Rose' wife? A That is Emma-- she kept Jim with her all the time.
- Q I am speaking of John J. Rose' wife? A That is what I mean.
- Q When did you come back to this country? A That first time.
- Q Yes sir? A In '65.
- Q And then you came back again? A Yes sir.
- Q In '68? A Yes sir.
- Q Are you on the 1880 roll? A I am a citizen all right and was admitted at Vinita.
- Q Are you on the roll of 1890? A I said I was a citizen all right.
- Q Who came back besides your family? A Reed Whitney, Joe King, Andy Rider.
- Lewis Whitacre, called and sworn as a witness for the applicant.
- By Mr. Smith.
- Q What is your name? A Lewis Whitacre.

J. J. Rose 4.

- Q Where do you live? A Hayden, I.T., on Lightning Creek.
- Q How long have you lived in the Cherokee Nation? A Never lived out of the Cherokee Nation.
- Q Do you know John Rose? A Yes sir.
- Q How long have you known him? A I have known him about 25 years.
- Q Do you know his wife Emma? A Yes sir.
- Q Who did she belong to before the war? A Mr. Dannenberg, and his family.
- Q Were they Cherokee citizens? A Yes sir.
- Q Where did they live? A I can't tell exactly if it was in Flint or Geosensack, 2 or 3 miles from the line.
- Q How big was she when she came back? A I don't recollect how big but she was a small girl when the war commenced.
- Q She was out of the Cherokee Nation when the war was going on was she? A Yes sir I guess so.
- Q Where did you first see her after the war? A Her mother was at the old Harry Still place up on Lightning Creek.
- Q When did you first see her with her mother? A Sometime in the winter of '68.
- Q Did you know who she was with? A With her mother.
- Q Did you come back to this country the same time Harry Still did or not? A No sir I came down some summer though.
- Q Do you know who brought this woman and these children to the Cherokee Nation? A No sir.
- Q How long did you continue to see them up around there? A They were there 5 or 6 weeks, taken a claim there, it was cold weather, they got dissatisfied and gave it up.
- Q Where did you next see them? A On Geosensack Road, I was up there to the Chief election up there and saw them.
- Q Have you ever been to the Rose house at Lenapah? A No sir.
- By Bell.
- Q How far from the Harry Still place do you live? A Just a short mile just like going from here over in town.
- Q That was in 1866 that you was over there and saw the old people? A Yes sir.
- Q How long did Mr. Rose stay there with her mother? A I just saw them there a short time.
- Q About how long? A 5 or 6 weeks.
- Q Where did she go then? A I don't know where she went, the next I heard of them was that they had a place up near Lenapah, I has never been to that place there, don't know where it is.
- Q You know that they have lived up near Lenapah though? A Yes sir.
- John Landrum called and sworn as a witness for the applicant.
- By Mr. Smith:
- Q What is your name? A John Landrum.
- Q Where do you live? A On Lightning Creek.
- Q What is your post-office? A Hayden.
- Q How long have you lived there? A 30 years.
- Q How long have you lived in the Cherokee Nation? A I was birthed here and raised here.
- Q Do you know Emma Rose who was the wife of John Rose? A Yes sir I am slightly acquainted with her.
- Q Did you know her before the war? A Yes sir I saw her a time or two.
- Q Was she a slave? A Yes sir.
- Q Who did she belong to? A The Dannenbergs.
- Q Where was she when the war came up? A In Flint District.
- Q When did you first see her in the Cherokee Nation after the war? A On Lightning Creek.
- Q When? A Fall of '68.
- Q And was she with? A Her mother Tilda.
- Q Do you know how long they staid in that neighbourhood? A I think they must have staid there 4 or 5 years as near as I can recollect.

Q How far is it from where you saw them to Lewis Whitstreet? A 2 miles north east.

By Bell:

Q You say you knew Mrs. Rose before the war? A Yes sir I saw her.

Q About what time was she when the war came up? A Small.

Q Was 4 or 5 years old? A I don't know, I was small myself.

Q About what age was she? A Might have been 7 or 8 I don't know.

Q Where did you see her before the war? A Where they lived on Flint.

Q Where did you live at that time? A On Sparhawk, this side of Mayesville.

Q How far from Mayesville did they call it? A About 12 miles, on the military road right on Sparhawk, the Jesse Ruffington place is where I was raised.

Q How far was that from the Dannenberg place? A It was a long ways.

Q How old are you Jacob? A 59 as near as I can come.

Q What was you doing there at the Dannenberg place at that time? A My master carried me up there.

Q When was that? A That was a long before the war came up.

Q Well how long before the war came up? A I can't tell exactly, it was not so long before the war came up though.

Q Who was your master? A At that time I belonged to Jim.

Q Jim Landrum? A No sir Jim Muskrat they called him.

Q What was he doing there at the Dannenberg place? A On business I guess.

Q Selling some of your? No sir not exactly, I don't know, I never was sold in my life.

Q How many days did it take you to go up there from where you lived? A 2 or 3 days or more in wagons.

Q How long did you stay there after you got there? A 2 or 3 days.

Q Can you tell close to where they lived in Flint? A No sir I can't.

Q You got through with that visit and came back home and never saw her again until you saw her up here on Lightning? A Saw her mother at Fort Scott.

Applicant re-called and examined by Mr. Smith:

Q Where were you living in 1890? A On California creek, near the Whiskey crossing.

Q Were you and Papa living together then, as man and wife? A Yes sir.

Q Do you know why you wasn't put on that roll? A At the time the census takers came round in the spring of '75, the census takers was Dick Duck and Mr. Hicks, they come to the house and my wife was absent and I gave in her name and all the rest of the family; there was an order from the Chief or the executive office for all those who had not met the census takers before to appear in at the district clerk and give in their census, and in '75 I taken my mother in law and went to the clerk and she gave them in and swore to it and approved it by John Freedman--that was the same year that Mr.

Wallace made the roll of the freedmen that I went to Tablemont and got Mr.asmus to go and examine the office and see if my people was down and he did and the clerk there told him the the district clerk, C. C. Lipe, had never sent in any such paper reports.

By Bell:

Q That was in '75? A Yes sir, the time that Jacob Lipe was clerk he took the oath and they said that the first oath that he took then was that of this her woman's mother, Tilda Dannenberg.

By Smith:

Q Do you know why she was not placed on the 1890 roll? A Just rejected her then, they disputed her after that.

Q You were here at the time? A Yes sir.

By Gen'l Needles: John J. Rose applies for himself and two children Robert and James Rose, and he makes satisfactory proof

of his marriage to Mrs. Dannenberg according to the laws of the Cherokee Nation; the name of his wife is not found on the authenticated roll of 1880, but is identified on the Fern Clifton and Wallace rolls; the names of the two children above named are by his said wife Emma and are identified on the Fern Clifton roll; he makes satisfactory proof as to his marriage in the year 1880 according to the laws of the Cherokee Nation; they are all duly identified but for the reason that the name of the said family Dannenberg, the wife of the said John J. Rose does not appear on the authenticated roll of 1880, and because of the fact that the Cherokee Nation protests the enrollment of these parties, the said John J. Rose will be listed for enrollment as a Cherokee Freedman by inter-marriage on a doubtful card, and the two children James and Robert Rose will be listed for enrollment as Cherokee Freedmen on a doubtful card, and the final decision of the Commission will be made known to them by mail.

Chas. von Weise, being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full that portion of the testimony as indicated as having been taken by him, and that the foregoing is a full, true and correct transcript of his stenographic notes therein.

(signed) Chas. von Weise.

Subscribed and sworn to before me this 8th of June, 1901, at Chelsea, I. T.

(signed) T. B. Needles,
Commissioner.

M. D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he made the foregoing copy and that same is a true and complete copy of the original transcript.

M. D. Green

Subscribed and sworn to before me this November 19th, 1901.

[Signature]

COMMISSIONER.
Notary Public.

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Department of the Interior
Commission to the Five Civilized Tribes,
Chelms, I.T., June 9, 1901.

In the matter of the application of Charles G. Smith, et al, for enrollment as Cherokee Freedmen; Charles G. Smith, being called and having been duly sworn before by Commissioner Needles, now being examined by Cherokee Representative, W.W. Hastings, states:

Appearances: Smith, of Hallett & Smith, for applicant;
Hastings, for Cherokee Nation.

Q What witnesses did you have at Tallahassee when you went down there and applied in 1898, as you stated, when Mr. Ed Sanders was Chairman of the Committee of Commissioners? A I had Mr. Richard Dannenberg, my wife's young master, so said to be, I don't know; and David French;

Q Were those the only ones you had? A I am not positive, probably George Vann, I won't say positive George was present; there were several present.

By Attorney Smith:

Q Richard Dannenberg, you say? A Yes sir.

H.D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes of the facts.

H.D. Green
Subscribed and sworn to before me this June 7, 1901.

Christine

Commissioner.

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Department of the Interior.
Commission to the Five Civilized Tribes.
Chelsea, I.T., June 5, 1901.

In the matter of the application of Charles C. Smith for the enrollment of his wife and six children as Cherokee Freedmen, and for the enrollment of himself as a Cherokee Freedman by intermarriage; being sworn and examined by Commissioner Needles, he testified as follows:

Appearances:

Smith, of Mellette & Smith, for applicant;
W. W. Hastings, for Cherokee Nation.

- Q What is your name? A Charles C. Smith.
Q What is your age? A 55.
Q What is your post-office address? A Elliott, I. T.
Q What district do you live in? A Cooweescoowee.
Q You apply to be enrolled as a Cherokee Freedman? A I apply to be enrolled as an adopted citizen.
Q Citizen by intermarriage? A Yes sir.
Q For whom do you apply besides yourself? A My wife and children.
Q How many children? A I have got ten children altogether, but there's some of them will enroll themselves.
Q Well, how many have you got under age? A Six, I believe.
Q What is your wife's name? A Jane Smith.
Q How old is she? A I don't know her age exactly, but somewhere about 45 or 6, best of her knowledge.
Q Is she a recognized citizen of the Cherokee Nation? A I can't say exactly to whether she is or not; she was admitted at one time to the admitted roll, but after that I understood that she had been erased by some means or other, I don't know what.
Q Does her name appear upon any of the rolls? A Yes sir, she appears on the Wallace roll and the Kern-Clifton roll.
Q Give me the names of your children, those that are under age?
A Chester Smith.
Q How old is Chester? A 19
Q Next child? A Frank Smith
Q How old is Frank? A 17.
Q Next one? A Bertha Smith.
Q How old is Bertha? A 15.
Q Next one? A Catherine.
Q How old is Catherine? A 12.
Q Next one? A Curtis.
Q How old is Curtis? A Eight.
Q Well? A Next one is Melvola.
Q How old is Melvola? A Five.
Q Are these children all living at this time? A Yes sir.

Kerns-Clifton pay roll of citizens of the Cherokee Nation examined and applicants identified thereon as follows:

Page 147 #3827 Jane Smith, Cooweescoowee District;
page 147 #3630 Chester Smith, Cooweescoowee District;
page 147 #3631 Frank Smith, Cooweescoowee District;
page 147 #3632 Bertha Smith, Cooweescoowee District;
page 147 #3633 Catherine Smith, Cooweescoowee District

- Q Did you draw for Curtis? A No sir.

Kerns-Clifton pay roll of citizens of the Cherokee Nation examined for child, Curtis, and name not found.

Wallace roll of citizens of the Cherokee Nation examined and applicant identified thereon as follows:

page 138 #2894 Jane Smith, Cooweescoowee District;
page 138 #2900 Chester Smith, Cooweescoowee District.

Wallace roll examined for Frank Smith, and name not found;

1896 census roll of citizens of the Cherokee Nation examined and applicants not found thereon;

1880 authenticated roll of citizens of the Cherokee Nation examined and applicant not identified thereon.

Examined by Attorney, Smith:

- Q Mr. Smith, what was your wife's name before you married her?
A Her name was Jane Dannenberg.
- Q How long have you and your wife been married? A We have been married thirty-one years, I believe, to the best of my knowledge this last April past.
- Q Have you been living together all the time since you were married? A Yes sir.
- Q These children whose names you have mentioned, have they been born to you and your wife while you have been married? A Yes sir.
- Q Have you any other children other than these six whose names you have given? A Yes sir.
- Q What are their names? A The oldest one living is named Pearl Smith.
- Q Is she married or single? A No sir, it is a boy, yes sir, he is married, he is here on the ground.
- Q What is the next one? A Next one is Cora, she is married.
- Q What is her name? A She is named Cora Morris.
- Q What is the next one? A Matilda.
- Q Married or single? A She is single, lives with me.
- Q Next one? A Oldest child I have is Elnora, she is single and lives with me.
- Q Ever been married? A No sir.
- Q Where do you live? A I live in the neighborhood of Hickory Creek, Cherokee Nation.
- Q How long have you lived there? A I have lived there and in the vicinity around there about there, that is from there to California Creek, for about 26 or 27 years, I judge, something like that. Maybe more, or maybe little less, somewhere along in there though, I have been living in that neighborhood, about 27 to the best of my knowledge, I believe, or 28.
- Q What did you say your wife's name was before you married her?
A Jane Dannenberg.
- Q Did she have any sisters or brothers? A She had one sister and one brother.
- Q What was her sister's name? A Emily Dannenberg.
- Q Who did she marry? A She married a man named John J. Ross.
- Q Is she the woman who was on the stand just before you came on?
Yes sir.
- Q Was your wife any brothers? A Yes sir, one.
- Q What is his name? A James Colbert.
- Q How long had you been acquainted with your wife, when you married her? A I had been acquainted with her about three months, I judge, as near as I can guess, maybe not quite so long.
- Q How long have you lived in the Cherokee Nation? A I have lived in the Cherokee Nation, that is, continuously, I have lived in the Cherokee Nation since '73, I believe, made it my continual home since that time.
- Q Where did you marry your wife? A I first married my wife in the state of Kansas.
- Q Did you marry her more than once? A Well not exactly married her, I got a license.
- Q Did you get a license to marry your wife in the Cherokee Nation?
A Yes sir.
- Q In what district? A Cooweescoowee District.

- Q Did you marry your wife then in pursuance to that license?
A Yes sir.
Q Whereabouts? A Did I marry her you mean--
Q In accordance with that license you got in Cooweescoowee District?
A I never had the ceremony performed, I only got the license, and on inquiry, I went to get the preacher to marry me, and on inquiry--

Cherokee Representative, W.W.Hastings: I see that he is going to state what the preacher or somebody else told him--
Applicant: I am going to state what I know to be a fact.

Com'r Needles: State it.
Applicant; resuming answer:- I went to get married, and when the preacher inquired for my license they were lost; I had lost my license and of course consequently I couldn't obtain a license, that was the reason I wasn't married under this license I bought, but after that time I went to the clerk I think and made a statement that my license were lost, and asked for re-copy so as to perform the ceremony, and he didn't give them to me, refused to give them to me, and after it- allowed it made no difference, it was on the book and that satisfied the law, and I had bought them and paid for them, and as I were really married that it wasn't necessary and there was no law to compel a man to marry over again.

Cherokee Rep've W.W.Hastings: I object, I am going to have this objection; I must not be run over that way; when I object it is courteous for attorneys to wait. Comes now the Representatives of the Cherokee Nation and move that that much of the witness's testimony relating to what Mr. Lipe told him be stricken from the record, as it is partly hearsay.

Attorney Smith: AI will state in that connection that the only proof of the testimony would be of some other testimony that's all related and the testimony is with reference to an instrument which he says is lost, and I think it is competent for us to state the facts in connection with it.

Com'r Needles: The objection is entered there.

- Q By Smith: Did you get any paper from any of the Cherokee officials with regard to the recording of any marriage license issued to you? A Yes sir.
Q Is that the paper? A (Hands paper to applicant) A Yes sir, that's the paper.

Attorney Smith: I would like to offer in evidence the paper. (Hastings examines papers and hands it back to Smith)

Smith: Applicant desires to offer an instrument under the seal of the Cooweescoowee District, signed by Joe W. Lahay, clerk of said district:-

Cher. Rep've Hastings: If the court please here is the point I want to object to; I don't want the contents of this paper stated, because if it is ruled out you have got the contents in; let him offer a sufficient amount to identify the paper, then the paper speaks for itself, but if he gives all that is in the paper, there is no need to introduce the paper, it is already in. He shows enough to identify the paper.

Com'r Needles: That's all that is necessary.

Smith, continuing: for the purpose of showing that a license which is stated by the witness to be lost, was issued by the Cherokee Nation, permitting said applicant to marry his wife according to the laws of the Cherokee Nation.

Cherokee Rep've W.W.Hastings: Come now the representatives of the Cherokee Nation, and object to the above, as being an outrageous proceeding in the attempt to get a paper introduced into this record which does not show from the record or proof, but the attorney;
Second: The paper admitted to be introduced shows upon its face that it was simply an affidavit made before George T. Have, on the 6th day of August 1897, and affidavits have always been excluded from the testimony; and the fact that an affidavit has been recorded in the clerk's office does not give it any more strength before the Commission.

Applicant: Mr. D.W.Lipe give me that.

Smith: I don't consider anything an outrage which has been issued by any of the Cherokee officials and which bears the seal of the Cherokee Nation. We are trying to establish the fact of a lost paper, and the only other evidence in the world is in the possession of the opposite party; that in itself would make it admissable.

Com'r Needles: The policy of the Commission has been, and the rule of the Commission has been, not to permit affidavits of this kind nor of any other kind, but as far as the certificate on the back; I think the instrument on the back could be admitted, but I don't think the affidavit can.

By Cherokee Rep've Hastings: I agree that what's on the back should be read to the clerk, and let the other be withdrawn.

Com'r Needles: Yes, that's right; paper is presented with the following indorsement:

Mr. Smith: "Recorded on page 241, Book E. Records of Marriages Cooweescoowee District, C.N., signed, Joe M. Lahay, Clerk Cooweescoowee District, by R. Lee Comer, Deputy clerk, and bearing the seal, Cooweescoowee District, Cherokee Nation, Justice."

Applicant further examined by Attorney Smith:

- Q Now, Mr. Smith, you want to make a statement, what was the statement? A The statement I want to make to Mr. Hastings is this: That I went to Mr. D. W. Lipe and called his attention to and made him recollect of issuing me a license:
R- 2nd. Hastings: Q Is Mr. Lipe alive? A Yes sir.
Q Living in Cooweescoowee District? A Yes sir.
Q His post-office is Claremore? A Yes sir.

Mr. Hastings: I am going to object to any further statement Mr. Lipe should have made to him.

Mr. Smith:
I think it is fair to let him state what he did.

Mr. Hastings: You haven't shown that this record is lost.

Com'r Needles: I don't think it is necessary to be so technical about this matter; all we want to get is the facts in the case. I think you had best produce the best testimony you can get; There is no trouble about getting Mr. Lipe here as a witness.

Attorney Smith: I will ask for a subpoena, because I don't think we could get him without one.

Com'r Needles: We will issue a subpoena to D.W.Lipe, to appear instantly.

Applicant examined by Attorney Smith:

- Q You made some statement here about having been admitted with your family at some time, what did you mean by that? A I meant I went before the Cherokee National Council or Committee that set for the Cooweescoowee District.
- Q When did you do that? A I think if my memory serves me right it was in '93 as well as I can recollect, in the winter of 1893, just after Christmas, first part of 1893.
- Q What was your statement about your names being put down and taken off? A I said I went before the National Council with evidence and was admitted by the Commission, and by some unknown cause I don't know what, that I were, from them, that the names were erased by red ink acrossed them, after being accepted.
- Q You say you have lived in the Cherokee Nation, how long? A To the best of my recollection it has been somewhere 27 or 8 years; somewhere along there, I don't know exactly, but somewhere along in that neighborhood, that is myself I have reference to my own.
- Q I know, where is your wife now? A My wife is at home, Cooweescoowee District.
- Q Why isn't she here? A She was here on the ground and one of my children got very sick, and they sent for her and I both, to come forthwith, and I taken her home, and had to leave her there on count of the child.
- Q On account of sickness in your family? A Yes sir.

Examined by Cherokee Representative, W.W.Hastings:

- Q How far do you live from Nowata? A I live, let's see, 12 and 5 is 17 miles.
- Q What direction? A North.
- Q How far do you live from here? A It must be between 40 and 42 miles, I judge the way you have to go.
- Q What is your oldest child's name? A Elnora Smith.
- Q How old is she? A She was 30 I think this birthday.
- Q What is your next oldest child named? A My next oldest child was named Walter.
- Q How old was Walter? A I think he was 28, if he had been living; he is dead.
- Q What is the next one? A Pearl.
- Q How old is she? A 26.
- Q You didn't know your wife before the war? A No sir.
- Q You first met her after the war? A Yes sir.
- Q When did you first see your wife? A I first see my wife along about February, I think, of '70, I think it was in the month of February, as well as I remember.
- Q Now, in what year did you marry her? A In '70.
- Q Where did you marry her? A In Kansas.
- Q Where was Charley born, your oldest son? A My oldest son was born on California Creek.
- Q In the Cherokee Nation? A Yes sir.
- Q Where was the next one born? A My next one was born on California Creek.
- Q In the Cherokee Nation? A Yes sir.
- Q Where were you? A I was there when they were born.

- Q Where were you living? A On California Creek, Cherokee Nation.
- Q How old was your oldest child? A 30 last birthday.
- Q Elmore? A Yes sir.
- Q Where was she born? A I am told she was born on Grand river, I wasn't there myself.
- Q Where were you living at the time she was born? A I was in Topeka, Kansas.
- Q Where did you move from when you moved here 27 years ago?
- A I come from Kansas here myself, and I come from Kansas when I married; I come from Kansas directly here then I went back to my work again.
- Q And you stayed up there about four years? A No sir, I didn't stay, I stayed there about- often and on- I guess about a year and a half.
- Q You said your oldest child was 30? and you were married in '70 and you said you come here 27 or 8 years ago? A Yes sir, somewhere along there.
- Q How long after you were here the second time until you applied for this license, I mean after you moved down here? A I never applied for my marriage license here until '74.
- Q Who was clerk then? A D.W. Lipe.
- Q He issued it did he? A Yes sir.
- Q Where was Mr. Lipe living then? A He was living near Dog Creek, somewhere down on Sweetwater, somewhere down there.
- Q You had been here how long then? A I had been here nearly two years I think, myself, before I made any application for any--
- Q Your wife lived with you up in Topeka? A No sir, she did not, only about, I think we married in April and I started down to the Territory, in the month of May sometime during May, I recollect I got here on the first day of June.
- Q Who was your wife living with up there when you married her?
- A She was working for a family named Gilletts.
- Q Where was her mother? A Down here; at least I found her here when I come.
- Q When you and your wife first located you come to California Creek did you? A No sir.
- Q Where? A To Lightning Creek where my mother-in-law lived.
- Q Was she living on Lightning Creek then? A At that time, yes sir.
- Q Was she in '74 or '74? A That was in '70 at that time when I first come here with my wife, it was in '70.
- Q But your wife didn't go back with you? A No sir.
- Q She never stayed up there in Kansas with you any? A No sir, she never stayed up there with me at all.
- Q You were her husband all the time? A Yes sir.
- Q Where did you live, first locate here, where did you have your home first? A I first located a home on California Creek.
- Q When was that? A In '73.
- Q You have owned it since? A No sir, I sold it about ten or 12 years, 14 years, probably, I think maybe 15.
- Q Where did you go then? A I went below there about three miles, and made me another place.
- Q Do you live there now? A No sir, I own the place, my son lives there, I don't live there myself, I live on Hickory Creek about 10 miles above there, north.
- Q You went before the Council to be readmitted? A Yes sir.
- Q Who composed that Commission, that you went before? A Mr. Ed Sanders was the Chairman of the Commission, -now the other members I didn't know them.

- Q Mr. Ed Sanders, Senator for this district? A Yes, I was acquainted with him.
- Q That was only a committee of the Council? A It was a Commission, Court they called it for applications to be appear before them for citizenship, so I was informed.
- Q They were members of the Cherokee Council? A Yes sir, they were members of the Cherokee Council at the time.
- Q You were advised that this was a committee of the Council? A I don't know that I was or that I wasn't.
- Q You don't remember now all the rest of them? A No sir, I wasn't acquainted with any of them but Mr. Sanders.
- Q You never got any paper showing that you was admitted to citizenship? A No sir.
- Q No official paper? A No sir.
- Q No official Act of the Council? A No sir.
- Q Now do you claim that you have been living here continuously since '73? A Yes sir.

Examined by Attorney Smith:

- Q You speak with reference to yourself, when you say since '73? A Yes sir, I speak with reference to myself.
- Q Where were you from? A I was formerly from Ohio to Kansas; born and raised in Ohio.

Attorney Smith: I think, if the court please, that the testimony taken in John J. Rose case, covers his case; but if after reading that I find it is necessary to introduce another witness I want to do that.

Cherokee Rep've Hastings: Examining applicant:

- Q Were you ever married before? A No sir, I never was.

Com'r Needles: The applicant applies for himself, as a Cherokee Freedman; by intermarriage; and his wife as a Cherokee Freedman; and he also applies for six children, Chester, Frank, Bertha, Catherine, Curtis and Melvola Smith; the name of his wife cannot be found upon the authenticated roll of 1880 or the census roll of 1896, but is duly identified upon the Kern-Clifton and the Wallace rolls; the names of the children are duly identified on the Kern-Clifton roll, except Curtis and Melvola; it will be necessary for him to file satisfactory proof of birth of said children, their names not appearing on any roll; they all make satisfactory proof as to residence; and consequently Charles C. Smith will be listed for enrollment as a Cherokee Freedman by intermarriage on a doubtful card, his wife Jane and her children as enumerated herein will be listed for enrollment as Cherokee Freedmen on a doubtful card, -in this connection reference is made to the testimony taken in the matter of the application of John J. Rose for the enrollment of himself and children, who were listed for enrollment of D. card 474, the testimony taken in said case will be made a part of the record in this case at bar, and a copy of same will be filed with the application now being made; reference is also made to the testimony taken in the matter of the application of Emily Nolen for the

enrollment of herself and child, which is duly listed for enrollment on Cherokee Freedmen doubtful card 511, said testimony will be made part of the record in this case at bar; applicant will be notified of the decision of the Commission when arrived at.

W.D.Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony & proceedings in this case & that the foregoing is a true & complete transcript of his stenographic notes thereof.

(Signed) W.D.GREEN.

Subscribed and sworn to before me this June 6, 1901.

(Signed) T.B.NEEDLES,
Commissioner.

Jessie Davies, stenographer to the Commission to the Five Civilized Tribes, having been first duly sworn, states, on oath, that the above and foregoing is a true and complete copy of the original testimony in the matter of the application of Charles C. Smith, et al., for enrollment as Cherokee Freedmen, taken at Chelsea, I.T. June 5, 1901, now on file with the Commission.

Jessie Davies.

Subscribed and sworn to before me this December 15, 1904.

Charles A. Sawyer
Notary Public.

Department of the Interior,
Commission to the Five Civilized Tribes,
Chelsoa, I.T., June 5, 1901.

In the matter of the application of Emily Nolen for the enrollment of herself and one child as Cherokee Freedmen; being sworn and examined by Commissioner Needles, she testified as follows:

Appearances:

Smith, of Mellette & Smith, for applicant;
W.W.Hastings, for Cherokee Nation.

- Q What is your name? A Emily Nolen.
Q How old are you? A About 50, I guess.
Q What is your post-office? A Ruby.
Q What district do you live in? A Cocweescoowee.
Q You apply to be recognized as a Cherokee Freedman? A Yes sir.
Q Who do you want to enroll besides yourself? A Well I can't enroll only them that's under age can I?
Q That's all.

Examined by Attorney Smith:

- Q What children do you want to apply for? A Jessie Rose.
Q Now the next one? A That's all, if you don't let me enroll the boys.
Q Have you any other child that's under age, not grown? A No sir, they are all grown but them three.
Q All except Robert, James and Jessie? A Yes sir.
Q Well, Robert and James have already been applied for by your husband, John J. Rose, so you just apply for yourself and Jessie?
A Well, sir.

Examined by Commissioner Needles:

- Q How old is Jessie? A Seven or eight, seven years old I guess.

Examined by Attorney Smith:

- Q What is your name now? A Emily Nolen.
Q Were you the wife of John Rose? A Yes sir, I was.
Q How long did you and John live together, about? A I don't know.
Q What children were born ~~xxx~~ to you and John Rose while you were living together? A All my children are his.
Q Give their names? A Charlie, Carrie, Willie, Mary, Geneva, Robert, Jimmie and Jessie.
Q Did you and John separate? A Yes sir.
Q When did you separate? A About four years ago.
Q Where was Robert born? A On California Creek, in the Cherokee Nation.
Q Where was James born? A On Hickory Creek, Cherokee Nation, the same neighborhood.
Q Robert, James and Jessie are living with you? A Yes sir.
Q Where does Geneva live? A She has been living on Lightning Creek.
Q Is she married? A She has been married, but aint now.
Q Where is she living now? A She is living on Lightning.
Q Where does Mary live? A On Lightning.
Q Is she married? A Yes sir.
Q What is her name now? A Mary Blackburn.
Q Where does Will live? A He lives on California Creek, near ~~xxx~~ ~~xxxxxxxxxxxx~~ Lenapeh.
Q Where does Carrie live? A She lives on Salt Creek, close to Ruby post-office.
Q How far from Ruby? A About a mile and a half.
Q Is Carrie married? A Yes sir.
Q What is her name now? A Freeman. She married George Freeman.
Q Where does Charles live? A He lives near Coffeyville in the Cherokee Nation, on the Verdigris.

Exhibit Notes at p. 2.

- Q You apply for yourself and Jessie do you? A Yes sir.
- Q What was your name before you were married? A Before I married the first time.
- Q Yes sir? A Dannenberg.
- Q Were you born a slave? A Yes sir.
- Q Who did you belong to? A I belonged to Dannenberg.
- Q Was he a Cherokee? A Yes sir.
- Q Where did you live before the war? A In Flint, Cherokee Nation.
- Q Were you taken out of the Cherokee Nation during the war? A Yes sir.
- Q When did you come back? A I came back in the fall of '66.
- Q Who did you come back with? A I came back with my mother and brother and sister.
- Q What was your sister's name? A Jane Smith it is now.
- Q Anybody else with you? A Uncle Dave French.
- Q What family did your father and mother belong to that time at the time you came back here, who were the members of that family?
- A That I belonged to.
- Q Your father's family, you mentioned your sister, Jane Smith?
- A And my brother, James Colbert; there wasn't but three children.
- Q Where did you come to when you came back? A Come to Lightning Creek.
- Q How old are you, you say? A I am about 50 I guess.
- Q You don't know your age? A No sir.
- Q Can you remember how big you were when you came back to this Nation after the war? A I guess I was about 11 years old.
- Q You don't know exactly? A No sir, I don't know my age.
- Q You were not grown? A No sir, I wasn't grown.
- Q Where does your sister, Jane Smith, live? A She lives on Hickory Creek, about nine miles below Coffeyville, in the Cherokee Nation.
- Q That is her husband's name? A Charley Smith.
- Q Where does James Colbert, your brother, live? A He lives near Bartlesville, in the Cherokee Nation.
- Examined by Cherokee Representative, T. W. Hastings:
- Q You say you belonged to Dannenberg. A Yes sir.
- Q Where did you live before the war? A I lived in the Nation, down there close to Flint.
- Q Close to Flint? A Yes sir, I don't know what.
- Q Did Dannenberg live there? A I don't know what district? A No sir, I don't know.
- Q Did Dannenberg have any children? A Yes sir.
- Q What are the names of his children? A His oldest girl was named Josephine and the oldest boy was named Henry.
- Q You were living with them at that time? A Yes sir.
- Q Who did your brothers and sisters belong to? A Same person.
- Q All them you have mentioned belonged to the same person? A Yes sir.
- Q And he was living in Flint District? A I guess it was Flint District, but I remember it was near Flint.
- Q About how big were you when the war came up? A I was quite small.
- Q You don't know, remember anything about the dates then? A I know the dates when I see them, but I can't remember no dates that far.
- Q You were not married when you came back here then? A No sir.
- Q When did you marry John Rose? A I don't know just when.
- Q About how long after you came back here? A I guess about 4 or 5 year.
- Q You never married him in Texas then? A Yes sir, I married him in Kansas.
- Q Then you married him before you came here? A I came down here and then I went back and I married him when I went back.
- Q Where did you come to when you came down here the first time?
- A I come to Lightning Creek.
- Q Your father since then? A I don't know anything about my father.

I never say him.

Q What was your mother's name? A Tiled Bunches.

Q She come down with you then? A Yes sir.

Q Just you and your mother and brother and sister? A Yes sir, and Uncle Dave Frances.

Q He was along? A Yes sir, and Harry Halls.

Q He was along? A Yes sir.

Q How long did you stay down here when you come? A I went back I guess it was in the summer.

Q What time did you come down? A I come in the fall.

Q And you stayed here then until the next summer? A Yes sir.

Q Then you lived in Kansas about four years? A No sir, I didn't stay there until September, I guess about September, and I come back.

Q Well, you said you married up there? A Yes sir, I married up there.

Q Didn't you state awhile ago it was about four years after you come down here until you married? A I mean it was four years from the time I come down here the first time.

Q That's what I meant? A Well I didn't stay up there no four years.

Q Well you come down here the first time, and you say you went back the following summer? A Yes sir.

Q Was it about four years when you first come down here after the war that you married Ross? A I come down here the first time with my mother and sister, and I stayed until along in the summer, and I went back and stayed there until along in the fall and I stayed there until in the fall and then I come back and I married up there and I come back just fall.

Q Was you ever married before? A No sir.

Q Was Ross ever married before? A Not as I know of.

Q He was a state man? A Yes sir.

Q Who went back to Kansas with you? A A young man by the name of Reed Whitney.

Q Was he any relation to you? A No sir.

Q How did you two happen to go back together? A There was another girl went with us.

Q What place in Kansas did you go to? A We went back to Lawrence.

Q You were married in Lawrence? A Yes sir.

Q What year were you married? A I can't tell the dates, I was married, I can't tell how long I have been married and when I did marry.

Q You can't tell the year you was married in but you could tell the fall you come back here? A Oh yes, I can tell that, because I heard so much talk about it.

Q You didn't hear so much talk about your marriage? A No sir.

Q What is your oldest ~~daughter~~ child's name? A Charley Ross.

Q How old is Charley? A I guess he is about 28.

Q Where was Charley born? A He was born in the Nation.

Q Where? A He was born on Grand river.

Q Who were your neighbors then? A My aunt.

Q What was their name? A Aunt Mary Haffington.

Q You were living then over on Grand river? A No I just went down there on a visit.

Q How long had you been in the Nation then? A I don't remember.

Q Where was your next child born? A On California Creek.

Q What was his name? Next one to the oldest child was? A Carrie Freeman.

Q She was born on California Creek? A Yes sir.

Q How far down from Coffeyville? A About 15 miles.

Q What direction? A South.

Q Have you been living at that place ever since? A Right around in the neighborhood ever since.

Q Where was Carrie Freeman married? A She was married on Hickory Creek.

Emily Nolen et al 4

- Q She ever live in Kansas? A No sir.
Q Did Charley ever go back to Kansas? A No sir.
Q Who did you and your mother live with the first fall after you came back here? A We stayed at Aunt Maria H. Hayden's.
Q Did you live in the house with her while, and was it a little house.
Q Who was living with aunt Maria Hayden? A Why this man Reed Whitney, and this Andy Rider, and her son.
Q That was in the fall of '86 was it? A Yes sir.
Q Where was your aunt Maria Hayden living then? A Why close just close to where she is living now, I don't know just where the place is, I couldn't tell where, just where the place is now.
Q It was on the same place, but a different house? A Somewhere along there, I have never been there for a long time, and I don't know.
Q She had a house built did she? A I suppose she had I don't know.
Q You don't know whether they were living in a house or not?
A Oh yes, I know they were living in a house, but I don't know how they got it.
Q You know how long they had been living there when you came?
A No sir.
Q Had they raised a crop there, patch? A I guess they had a garden patch, but it has been so long I don't remember.
Q Was Mr. Hayden there? A I don't think he was at that time; you see I was small and then I can't remember very much noway.

Karns-Clifton roll of citizens of the Cherokee Nation examined and applicant and child identified as follows:

page 146 No. 3626 Emily Rose, Cooweescoowee District;

page 146, #3622 John Rose, Cooweescoowee District.

Wallace roll of citizens of the Cherokee Nation examined and applicant identified thereon as follows:

page 137 #2859 Emma Rose, Cooweescoowee District.

Examined by Commissioner Needles:

- Q What is your present husband's name? A Manuel Nolen.
Q What was Rose's name? A John Rose.

Com'r Needles: Emily Nolen applies for the enrollment of herself and child Jessie Rose; she cannot be identified upon the authentic old roll of 1880 or the census roll of 1890, but is duly identified upon the Karn-Clifton and the Wallace rolls, as Emily Rose, that having been her name by former marriage, and to one John Rose, from whom she is now divorced; she has since married one Manuel Nolen; by her first marriage to said John Rose she avers that she had one child, Jessie, and she is duly identified upon the Karn-Clifton roll according to page and number of the roll as indicated in the testimony; she avers that she was formerly married as stated, to one John Rose, from whom she is now divorced; said John Rose was duly listed for enrollment as a Cherokee Freedman on doubtful card 474, the testimony in said case will be made part of the record in the case at bar, and copy of said testimony will be filed with the testimony now being taken; they make satisfactory proof as to residence, consequently, Emily Nolen, and her child, Jessie Rose, will be duly listed for enrollment as Cherokee Freedmen upon what is known as a doubtful card; she will be notified of the decision of the Commission in her case when arrived at.

E.D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof. Subscribed and sworn to before me this June 5, 1901. (Signed) E.D. Green, Commissioner.

Department of the Interior,
Commission to the Five Civilized Tribes,
Cherokee, E. F. Jones Bldg 1906.

In the matter of the application of Charles Smith et al. C.F.T. 1906

SUPPLEMENTAL TESTIMONY ON THE NAME OF THE APPLICANTS.

W. F. Hastings, present for Cherokee Nation.

Mellotte & Smith present for applicants.

HARRY STILL, called and sworn as a witness by Commissioner T. B. Needles, testified as follows for the applicant:

By Mr. Smith:

- Q What is your name? A. Harry Still.
Q Where do you live? A. Hayden.
Q Do you know Jane Smith? A. Yes sir.
Q Do you know Charles Smith? A. Yes sir.
Q Do you know this Charles Smith who stands here? A. Yes sir.
Q Who was Jane Smith before she married? A. Tilda Bannenburg.
Q Was she a slave? A. Yes sir.
Q Who did she belong to? A. Bannenburg.
Q Was he a Cherokee Indian? A. I don't know if he was intermarried or an Indian, he was Nick Bannenburg's father and Nick was an Indian.
Q Was he a citizen of the Cherokee Nation? A. Yes sir.
Q You testified in the John Rose case? A. Yes sir.
Q Is the Jane Bannenburg that you referred to in that case the same Jane Bannenburg who is the wife of Charles Smith? A. Yes sir.
Q When did you first see Jane Bannenburg in the Cherokee Nation after the war? A. I brought her here in '66.
Q Who else did you bring along? A. Her mother and sister and brother.
Q What was her mother's name? A. Tilda Bannenburg.

By Hastings-

- Q How long did they live up there? A. 5 or 6 years.
Q Right at that same place? A. Yes sir.
Q I believe that you testified that you bought the place afterwards? A. Yes sir.
Q What because of her? A. She died after she left there.
Q You mean this man's wife? A. No sir her mother, his mother in law.
Q I mean his wife? A. She is home sick.
Q Did she come in that crowd? A. Yes sir.
Q How long did she live there? A. 3 or 4 months and then went away and when she came back they was married.
Q She had a child then too? A. I don't know if she did or not.
Q Eight or nine months is your best judgment as to how long she staid there? A. No sir she was gone 3 or 4 months and then came back.
Q With this man? A. Yes sir.
Q That was 3 or 4 years after the war then? A. No sir that was in '70.
Q When did she go off that time for 3 or 4 months? A. In '68 some time.
Q Then she only staid there 3 years before she went away? A. But her mother staid there all that time.
Q But I mean her? A. She must have staid there 3 or 4 years up to the time that she went away and married.
Q Where has Smith been living since she came back with him? A. Right in the Nation.
Q You are positive of that? A. Yes sir.
Q Didn't she have a child when she came back that time? A. I don't know if she did or not.

By Smith-

- Q About how old was she when she came back after the war? A. 14 or 15 years old.

Q And she lived there 2 or 3 years, did she? A Yes sir.
Q How long did you say she had been there when she came back?
Q Some time in 22 or 23, did she not say?
Q How long had she been away before you saw her again? A Not so very
long when she came back with this man.

* * * * *

Chas. von Noice, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full true and correct transcript of his stenographic notes therein.

Charmonical

Subscribed and sworn to before me this 21st of June, 1901, at
Chelsea, I. T.



Commissioner.

File with Cherokee Freedman D-391, Elizabeth Meigs.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T., October 19, 1901.

In the matter of the application of Elizabeth Meigs et al. for enrollment as Cherokee Freedmen.

Supplemental testimony on behalf of the applicant.

Appearances:

L. T. Brown, agent for applicants;

L. B. Bell, of counsel for Cherokee Nation.

DANIEL SANDERS, being duly sworn by Commissioner Needles, testified as follows:

By L. T. Brown: State your name? A Daniel Sanders.

Q What is your age? A About 59.

Q What is your postoffice address? A Centralia.

Q Are you a recognized citizen of the Cherokee Nation? A Yes, sir.

Q Does your name appear upon the authenticated roll of 1880?

A I think it does.

Q You know Elizabeth Meigs and George Meigs? A Yes, sir.

Q What relation is George Meigs to Elizabeth Meigs? A Her son.

Q Did you know Peter Meigs during his life time? A Yes, sir.

Q Do you know whether Peter Meigs, Elizabeth Meigs, and George Meigs were out of the Cherokee Nation during the war? A Yes, sir.

Q When did they return to the Cherokee Nation? A They came in '66.

Q With whom did they return? A They came with me and my father and the Webbers.

Q Have they had a continuous residence in the Cherokee Nation ever since? A Yes, sir.

Mr. Bell: When did you come to the Cherokee Nation yourself after the war? A In '66.

Q What time of the year? A First of December.

Q What was the first time? A Yes, sir.

Q When did you make your second trip? A Along in first part of January.

Q That was January, 1867? A Yes, sir.

Q Now which one of these trips was it that Peter and his family came with you? A They came both times.

Q Same both times? A Yes, sir, the old man came the first time and then the 1867 time the family came.

Q Peter came with you alone the first time? A Yes, sir.

Q Then the second time he brought his family? A Yes, sir.

Q What did his family consist of? A Mary, George, Alice, Harry, Simon, and Perry.

Q Then was his children? A Then was his children.

Q Well he had his wife Elizabeth with him, didn't he? A Yec, sir.

Commissioner: This testimony will be filed and made part of the record in the case at bar and part of the record in D-394, D-396, D-398, D-401, D-402, D-404, D-407, D-775.

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C. Jones.

Sworn to and subscribed before me this the 7th of November, 1901.

T. B. Needles,

Commissioner.

The undersigned, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he made the foregoing copy, and the same is a true and complete copy of the original.

Ray Palmer

Subscribed and sworn to before me this the 8th day of August, 1902.

C. R. Austin
Notary Public.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T. October 25th 1901.

SUPPLEMENTAL TESTIMONY in the matter of the application of John J. Rose, O. F. D. 474.

Appearances:

James S. Davenport for the Cherokee Nation.
Mellette & Smith for the applicant.

PHILLIS GUNTER being first duly sworn by Gen'l T. B. Needles, testified as follows on the part of the Cherokee Nation:
(By Davenport.)

Q What is your name? A Phillis Gunter.

Q Where do you live? A In Goosecreek Bend, Boone County district.

Q How old are you? A I just don't know my age exactly.

Q Do you know John J. Rose? A Yes sir, I know him.

Q Do you know Emily Nolen who was formerly the wife of John J. Rose? A Yes sir.

Q Where did you first get acquainted with them? A I was acquainted with their mother in slave times.

Q With their mother, whose mother do you mean? A Emily's mother.

Q What was her name? A Matilda Dannenburg.

Q Were John J. Rose and Emily Nolen any relation to each other? A Yes sir they got married.

Q Where did they get married? A In Kansas somewhere, I can't tell exactly the place.

Q Where did you know John J. Rose and Emily as man and wife? A Right there in Lawrence.

Q When did you come back to the Cherokee Nation after you knew them in Lawrence? A As near as I remember it was the year before the Grass or Bread Payment.

Q Do you know what year that was, what year the bread payment was made? A No sir.

Q Where was John and Emily living when you came back from Lawrence? A I left them up there.

Q Up where? A Lawrence Kansas and never seen them any more until they came here.

Q Did they have some children? A Yes sir.

Q Do you know the names of any of them? A A little boy named Charlie and a girl named Lizzie is all they had then.

(By Smith)

Q Are you a freedman? A Yes sir that is what I have been claiming.

Q Are you on any of the rolls of the Cherokee Nation? A Yes sir.

Q What roll? A My case was taken up at Chelsea.

Q I ask what rolls you are on? A Clifton and Wallace rolls I guess they call it.

Q Who did you belong to before the war? A I belonged to a woman, she was a Starr before she married and she married a man named Latty.

Q What was her name before she married? A Jane Starr.

Q What was her father's name? A I don't know.

Q Where did they live? A At the old home up in Flint and in Sequayah near what town? A Not close to any town, lived out in the country, the closest town was Evansville.

Q Were you living there when the war commenced? A Yes sir.

Q Where did Emily's mother live? A With Mrs. Dannenburg.

Q How far from where you lived? A In the same district but it was further off, north from me, I can't tell the distance exactly.

Q Was it 50 miles? A No sir, I don't think it was quite that far.

Q You didn't know Emily herself before the war? A Yes sir I knowed her.

Q I thought you said you knew her mother--what was her mother's name? A Matilda Dannenburg.

Q Did you, or did you not know Emily before the war? A I think Emily

was born before the war, if she was she was a small child; I know I saw her in her mother's arms.

Q Was that before the war? A Yes sir.

Q Sure of that? A Yes sir.

Q Where did you ever see her in her mother's arms before the war? A With her mother at the Dannenburg place.

Q How many times were you at the Dannenburg place? A I was hired out to his brother Nathan.

Q How far did the two Dannenburg brothers live apart? A I cant say exactly how far.

Q Cant you give some idea as to how far? A I dont know exactly.

Q Did they live 450 miles apart? A Nathan lived in town and one lived in the country.

Q Was it 400 miles apart? A No sir it wasn't. I dont suppose it was over five miles, it wasn't five miles, it was betw-en 3 and 4 miles I guess.

Q When the war come up where did you go? A When the war come up for a little while—when the war was raging so I was with my owners at Parr-hill a while and then came back to the old home place.

Q When did you go up to Kansas? A About the time of the close of the war, just about the time that Quantrell's raid was in Lawrence.

Q What place in Kansas did you go to? A Lawrence.

Q Where was this Matilda then, didn't you say you saw Matilda there? A When I first went up in Lawrence?

Q Yes sir? A I didn't see her when I first went up there, we lived on one side of the river and they lived on the other, but I shortly afterwards saw her, I didn't see her for the first day or two after I got there.

Q You said a while ago that you saw Emily in her mother's arms you though before the war, how long before the war was it? A I cant say I dont know, I dont recollect that far back, I have told it as straight as I know.

Q You claim to have known this woman ever since she was a little baby, now when was she a little baby? A I cant say.

Q How big was she when the war come up? A Quite a little girl.

Q How many years old? A I dont know, never paid any attention, just seen them and knowed the, I dont know anything about the ages.

Q Was she three years old? A She might have been and might have been more.

Q Well, about how old? A I dont know.

Q You saw her and would know the difference between a gil three years old and one ten years old wouldn't you? A Yes sir I might.

Q You are in doubt about that are you? A Yes sir.

Q How old was Emily when you saw her at Lawrence? A Little child

Q How long did you live in Lawrence? A I dont know how many years, I staid there a good while.

Q You dont know if it was one year or two years or 22 years? A I kno- it wasn't 22.

Q Was it over two? A Yes sir I gues it was.

Q How much over? A I dont know.

Q Was you living there as much as five years? A I dont know if I did or not, I know I was there that is all I do know.

Q Cant you give some idea—was you there as much as five years? A I dont know if I was there five years or over five years or under five years, I dont just exactly know the years or dates, I know I was there quite a while, I know I was there two or three years any-way.

Q You can be safe in saying that it was ober two years, two or three years? A Yes sir.

Q You wouldn't swear positively that you were there as much as five years though? A No sir.

Q You will swear positively that you were there as much as two or three years? A Yes sir for I know I was there that much.

Q Who did you live with there in Lawrence? A With my husband.
 Q Who was he? A Harry Gumber. Q Is he living or dead? A Dead.
 Q When did he die? A A year and six months ago.
 Q Since you came here? A Yes sir.
 Q You don't know what year it was when you went to Lawrence? A No sir.
 I don't know that, express.
 Q It was some time after you went up there before you saw this
 Matilda? A Yes sir.
 Q When you discovered her there how far was she living from you? A
 Must have been 2 or 3 miles, she wasn't living right in town, she
 lived kinda in the country.
 Q You lived in town? A I lived on the north side of the river, the
 river was betwixt us and town.

This will be filed in the original application, that of John J. Rose,
 C. F. D. 474 and also in Cherokee Freedmen doubtful cases, D-514;
 D-515; D-516; D-517; D-518; D-511; D-520; D-521; D-477; D-804; D-882;
 D-883 and R-132.

Chas. von Weise, being first duly sworn states that as stenographer
 to the Commission to the Five Civilized Tribes he reported in full
 all the proceedings in the above name and that the foregoing is a
 full, true and correct transcript of his stenographic notes therein.

Subscribed and sworn to before me this the 24th of October, 1901.

Chas von Weise
Chas. von Weise
 Commissioner.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., October 29th, 1901.

SUPPLEMENTAL TESTIMONY IN THE MATTER of the application of Joe Ross
C.F.D. 350.

Appearances:

W.W. Hastings, for the Cherokee Nation.
Mallette & Smith for the applicants.

BY MR. HASTINGS: The Representatives of the Cherokee Nation ask that the testimony of Sam Webber, re-called, in the case of Jefferson Ross, and others, Freedman D 872, be made a part of the record in this case.

COMMISSIONER - - It is further ordered that a set of all the testimony given by Sam Webber in Cherokee Freedmen Doubtful case 872, the same being the case of Jefferson Ross be filed in the case Cherokee, Freedman D 350, of Joe Ross, and in Cherokee Freedmen D 496, of Clara Grayson and in Cherokee Freedmen D 216, of Aaron Webber.

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Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., June 26, 1901.

In the matter of the application of Jefferson Ross for the
admission of himself and four children as Cherokee Freedmen.

Appearances:

Mallette & Smith, attorneys for applicants;
W. W. Hastings, of counsel for Cherokee Nation.

Sam Webber, being duly sworn by Commissioner Needles, testified as follows:

Mr. Smith: What is your name? A Sam Webber.

Q How old are you? A About 58.

Q Where do you live? A I live about two miles west of here.

Q How long have you lived in the Cherokee Nation? A I was born and raised here, and after the war came back.

Q Do you know this applicant, Jefferson Ross? A Yes, sir.

Q Were you acquainted with him before the war? A No, sir, I wasn't acquainted with him before the war.

Q When did you first know him? A I got acquainted with him just after the war.

Q Where? A Here in the Nation.

Q About what part of the Nation? A He came to my house there on Big Creek in the Nation.

Q What time? A Along in the spring of '87.

Q Do you know of your own knowledge when he first came back to the Territory after the war? A No, sir, I don't know of my own knowledge.

Q Do you know where he was living at the time he came to your house? A He had been working on Snow Creek he claimed and he was on his way hunting his sister.

Q Did you ever see after you saw him that time? A I put him on the trail down to his sister's and I never saw him for quite a little bit from that; when I saw him he was there on Lightning Creek.

Q Did you see him after that at his sister's? A I saw him then often and on for near about two years I guess.

Q Where? A There at Lightning Creek.

- Q In the Cherokee Nation? A Yes, sir.
- Q Was he a married or a single man at that time? A He was a single man to my knowledge.
- Q Do you know where he is living now? A No, sir, I don't.
- Mr. Hastings: You saw him around here for about two years?
- A Yes, sir.
- Q Then how long was it till you saw him again, Sam? A I remember after that of seeing him on Big Creek again.
- Q How long after that? A Must have been six months of a year after that I met him again there.
- Q You know where he was married? A No, sir, I can't tell you.
- Q Was he married at that time? A If he was I didn't know it.
- Q Did you know his wife? A No, sir, I don't know his wife.
- Q Did you ever see his wife? A Not to know it was her.
- Q Has this man ever kept house to your knowing? A When I saw him he was to his sister's.
- Q What was her name? A Katie Thornton.
- Q You never saw him in a separate, independent house, keeping house with his family? A No, sir, never did.
- Q What is his occupation? A I can't tell you.
- Q Did you ever see him making a crop anywhere? A I never saw him farming, I have seen him working for people around there.
- Q He never made a crop to your knowledge? A No, sir, not to my knowledge.
- Q Has he got any special occupation like a carpenter? A Not as I know of.
- Q What is Katie Thornton's husband named? A Henry Thornton.
- Q Was that her husband at that time? A Yes, sir.
- Q With whom does this man stay now? A I don't know that.
- Q You never saw him anywhere except around to his sister's? A That is all I have noticed him.
- Q Did he have any children when you saw him? A I never saw them if he did.
- Q You don't know where his family were, if he had any? A No, sir.

Sam Webber, re-called, testified as follows:

- Mr. Hastings: Mr. Webber, when were you first married? A When I first married, I married just a short while after the war, I disremember what year.
- Q Before you came down here? A After I came down here.
- Q Well, about how many years after you came down here? A It wasn't a year I guess after I came here.
- Q Well, you know what time of the year you were married? A I was married along in the winter.
- Q Was that the same winter you came, or the winter of '67? A It was along about, it throwed in '67, it was after Christmas.
- Q You mean in January of '67 or the last part of '67? A It was along after Christmas, I don't remember the date.
- Q What was your wife named? A My wife at that time was Rinda Martin.
- Q When did you commence keeping house? A I went in my house when I first came there.
- Q You and your wife keeping house separate and apart? A I was keeping house when I was single, I built me a little house, and was living in there.
- Q What time in the year did you and your wife move into that house? A We moved right in the house after we were married.
- Q And you don't remember when that was, what time of the year? A Along after Christmas; I was already in the house.

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M. D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he made the foregoing copy and that the same is a true and complete copy of the original transcript.

(Signed) M. D. Green.

Subscribed and sworn to before me this November 18, 1901.

(Signed) W. H. Starr,
Notary Public.

(SEAL)

I, A. H. Cheever, being duly sworn, state that as stenographer to the Commission to the Five Civilized Tribes, I made the foregoing copy and that the same is a true and complete copy of a certified copy of the original transcript.

A. H. Cheever

Sworn to and subscribed before me this 11th day of August, 1902.

B. C. Jones
Notary Public.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., February 24, 1902.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of
SAMUEL BECK as a Cherokee freedman; introduced on part of the
Cherokee Nation:

Appearances:

L. T. Brown, Vinita, I. T., Agent for Applicant;
J. S. Davenport, Cherokee representative.

L. B. BELL, being duly sworn, testified as follows on
part of the Cherokee Nation:

MR. DAVENPORT:

- Q What is your name? A L. B. Bell.
Q Where do you live, Mr. Bell? A Vinita, Indian Territory.
Q How long have you lived in and near Vinita? A Oh, since '67,
including most of '67.
Q Was there any railroad running in or through Vinita when you
first moved into that community? A No, sir.
Q When did the railroad first come through that country, Mr. Bell?
A In 1871.
Q You know this applicant, Sam Beck? A No, I don't know him.
Q Don't know anything about him? A No, sir.
Q Was you living in that country before the railroad started from
Kansas through the Indian Territory; that is, the M. K. & T?
A Well, I will tell you what I know about the railroad; The rail-
road came through the country in 1870, and on the application of
the Cherokee Nation, a complaint to the Secretary of the Interior.
they stopped building and during the session after 1870 of the
National Council of the Cherokee Nation, they passed an Act there-
it is dated the 14th of December, 1870, authorizing the furnishing
of cross-ties to the railroad, and agreeing that the railroad should
go through. The secretary hadn't determined which had the right-of-
way. They had begun it in 1870 and the M. K. & T. got the right-of-
way, and then they authorized the selling of cross-ties, and I went
to Chetopa and made a contract with the Company for cross-ties
enough to build from the Kansas line to Pryor Creek and sublet it.
Mr. Martin was one I sublet to, that was in 1870 that contract
was made, I don't recollect the exact date. Well, just a few days
following that we began getting cross-ties and then worked on down
to the Creek Nation. That was the first railroad built in the
country and first cross-ties was cut on the railroad in this
country.
Q You don't know anything about the wife of Beck or anything about
them? A No, I don't.

C. D. MARSHAM, being duly sworn, testified as follows on
part of the Cherokee Nation:

MR. DAVENPORT:

- Q What is your name? A C. D. Marsham.
Q Where do you live? A At Tahlequah.
Q How long have you lived in the Cherokee Nation?
A I was born and raised here; never was out except during

Notary Public

"R"

File with Cherokee Freedmen D. 514, Charles S. Smith et al.

Department of the Interior,
Commission to the Five Civilized Tribes,
Puskogee, I. T., February 28, 1902.

EXTRANEAL TESTIMONY ON BEHALF OF CHEROKEE NATION in the
matter of the application of EMILY NOLEN for enrollment as a Freed-
man of the Cherokee Nation, D-511.

Appearances:

Mr. Mellette, of Mellette & Smith, Vinita, I. T., at-
torneys for the applicants;

Mr. J.S. Davenport, of Attorneys for the Cherokee Nation.

ARTHA PACK, being sworn and examined, testified as
follows:

BY MR. DAVENPORT:

Q What is your name? A Martha Pack.

Q Where do you live? A Tahlequah.

Q How long have you lived in Tahlequah? A About 15 years.

Q Where did you live before you went to Tahlequah? A I lived
in Saline District.

Q Do you know a colored woman by the name of Emily Nolen now, that
is, who goes by that name at present? A I know her, but I don't
know her by that name.

Q What name do you know her by? A I know her by Emily Rose.

Q Where did you first get acquainted with her? A I got acquainted
with her in Coffeyville, Kansas.

Q How long ago was it that you got acquainted with her in Coffeyville
Kansas? A Well it has been about 25 years, if not longer.

Q Where was she living at that time, if you know? A She was living
in Coffeyville, Kansas.

Q Did you have any conversation with her at that time, become quite
well acquainted with her? A Yes sir, well acquainted with her.

Q Did she tell you anything about where she had lived prior to
moving to Coffeyville? A No, but they came from upper Kansas there.

Q Came from somewhere else in Kansas? A Yes, up above.

Q You know where she is living now, or about what locality?

A I think she lives on Big Creek or somewhere up in there.

Q In the Cherokee Nation? A Yes sir.

Q Have you seen her since you saw her when she was living in
Coffeyville, Kansas? A Oh yes sir, lots of times.

Q How long did she live in Coffeyville, Kansas, to your knowledge
after you got acquainted with her, or about how long? A Well about
two years I guess, I think.

Q You had never known her before the war had you? A No, never
known her.

Q She claims to have been a Dannenberg, I believe, you never knew
her until after she was living with John Rose? A She was living
with John Rose.

Q Was John Rose living with her after you got acquainted with her
in Kansas? A Yes sir. They were all living together, her mother,
Charley's Smith's wife.

Q What was her mother's name? A Tildy Lacey.

Q What was her sister's name? A Jane Smith.

Q You know where Jane Smith is living now? A She lives on Hickory
Creek.

Q That is in the Cherokee Nation? A Yes sir.

BY MR. MELLETTE:

Q What you say your name is? A Martha Pack.

Q How close is Coffeyville, Kansas to the line of the Cherokee
Nation? A Why I don't know exactly how close the line is, it was
12 miles at the time where I lived to Coffeyville.

Q Where did she live? A She lived in Coffeyville then.

Q How do you know she did? A I worked there in Coffeyville, and
Xodit was well acquainted with her.
Q How long did you work there? A Oh I worked there a year or two.
Q Which was it? A About a year I guess.
Q Was there all the time while you were there? A Yes sir.
Q Where did they live? A They lived right in town.
Q Were they ever in the Cherokee Nation any? A No sir.
Q You say they never was over in the Cherokee Nation? A No, only
when they went to church.
Q How do you know? A Because I lived near them, I lived right
there near, I didn't live with them, I was working right there,
and was there every day.
Q How close did you live? A About a hundred yards.
Q You watched them all that year did you? A No, I didn't watch
them, I was well acquainted with them.
Q When were you first asked about this matter as to what you
remembered about it? A Why I know about them?
Q Yes. A Last summer.
Q Then you remembered back 25 years? A Oh yes sir.
Q And remember everything that the Holens did 25 years ago? A No,
I just know where they lived at, and was well acquainted with them.
Q You know they lived right there in Coffeyville? A Yes sir.
Q But you didn't watch them to know exactly where they went at
different times? A Oh I know where they lived because I passed them
Q Don't you know they were away from there months at a time? A No
sir, they was not away from there while I was there, they might have
went away after that. I know the time they were in the Cherokee
Nation and made a crop.
Q When was that? A I don't remember the year exactly, but it
was the year that the grass-hoppers were just thick in the farms,
that was the year that Joe Rose and Charley Smith came to the
Cherokee nation and made a crop.
Q What year was that? A I don't remember, I couldn't tell you
that.
Q Haven't they been farming down in the Cherokee Nation all the
while? A No, that is the first year they went.
Q Where did they come from to Coffeyville? A They came from in
above in Kansas.
Q How do you know? A They said they come from above there, I
didn't know it.
Q How old are you? A I am about 43 or '4, along there.
Q Then how many years ago was it you saw these people in Coffeyville?
A It has been about 25.
Q What makes you think it is 25 years? A Because my oldest child
is 25 years old.
Q When was that child born? A I couldn't tell you what year that
was, but she is 25.
Q Was she born while the Rosess were living there in Coffeyville?
A Yes sir.
Q How do you know that? A I know that.
Q You had a little baby to take care of didn't you? A No I come
away from there, they had been living there quite a while.
BY COMMISSION: This testimony will be filed and made a part
of the record in the following Cherokee Freedmen cases:
D-477, D 514, D 515, D 516, D 517, D 518, D 520, D 521, and
D 804.

M.D. Green, being first duly sworn, states that as stenographer to the
Commission to the Five Civilized Tribes he correctly recorded the
testimony and proceedings in this case and that the foregoing is a
true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me
this February 28, 1902.

M.D. Green
Commissioner

Supl. C. D. #818. Freedmen.

Charles L Smith 710514

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 4, 1902.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of
EDWARD WRIGHT as a Cherokee Freedmen, introduced on part of the
Cherokee Nation.

The Cherokee Nation by its representative makes satisfactory proof of service on E. B. Lawson, the attorney for the applicant in this case, that testimony would be introduced by the

representatives of the Cherokee Nation tending to disprove the right of said applicant, Edward Wright to citizenship in the Cherokee Nation at the office of the Commission in Muskogee, Indian Territory, on the 3rd day of March, 1902, and from day to day thereafter until the case could be heard by the Commission during the usual business hours.

Cherokee Nation represented by its representative, L. B. Bell.

O. B. Rogers, being duly sworn, testified as follows on part of the Cherokee Nation.

MR. BELL:

- Q Tell him your name? A O. B. Rogers.
- Q Age? A 33 years old.
- Q Place of residence? A Claremore.
- Q Are you a citizen of the Cherokee Nation? A Yes, sir.
- Q How long have you been such? A All my life, a little over 33 years.
- Q Did you go out of the country during the war? A Yes, sir.
- Q When did you return? A '66.
- Q Where did you come to? A Come to Fort Gibson.
- Q And stayed there did you? A Yes, sir.
- Q Well what was your business? A After I come back?
- Q Yes? A I followed freighting for something over three years.
- Q Where and between what places? A Sedalia and Pleasant Hill and Kansas City to Fort Gibson.
- Q Were you ever acquainted with a Freedman by the name of Moses Whitire? A Yes, I know him.
- Q Where did he belong before the war? A He belonged in Co. in Snake District.
- Q Do you know what particular Whitire he belonged?
- A I don't remember whether he belonged to George Whitire or Lee Whitire.
- Q If you did see him when did you first see Moses Whitire after the war, after your return to the Cherokee Nation?
- A As well as I can remember it was in February, '68; I met him just on this side of the Neosho River, as they were moving back to this country from Kansas. There was between 24, from 24 to 28 wagons and I met them right on this side of the Neosho River; Dick Whitire, Moses Whitire and Aaron Whitire and old Major Wright is all I knew in the outfit.
- Q Did you have any conversation with them, stop and talk with them?
- A Yes, sir, and Col. Bill Ross passed while I was talking to them going to Fort Scott.
- Q Did you ask them where they was going to? A They said they was moving back.
- Q Well this 25 or 30 or 40 wagons was loaded with people?
- A Yes, mostly every one had household goods in them.
- Q Colony of Cherokee Freedmen? A Yes, sir, coming back to the Cherokee Nation.
- Q Well now that was where you say it was? A It was right on this side of the Neosho River; between the old Hudson place and Neosho River.
- Q How far from the Neosho River? A I suppose half a mile.

Q How far from the north line of the Cherokee Nation?

A I think the river is the line, about half a mile.

Q And how far is that from the Kansas line? A The Neosho is the line, way I understand it.

Q You had reference to where the military road crosses the Neosho river? A Yes, sir.

Q At Jack Holain's ferry? A They called it Hudson Ferry at that time.

Q Hudson lived there? A Yes, sir, in about a half mile.

Q And this Moses Whitire you met and talked with is the same one you knew in Going Snake and belonged to the Whitire family there?

A Yes, sir.

Q About how old a man was he when you met him? A He is an old man I think than I am.

Q And you saw other with him you know? A I think Aaron Whitire and Moses Whitire and old Major Wright is the old ones I know.

Q And you talked with him there? A Oh, I guess I talked with him ten or 15, 20 minutes and while I was talking to him Col. Rose passed going to Fort Scott.

Q Do you know where this man Whitire lives now, Moses Whitire you met?

A No, I don't know where he lives.

MR. HASTINGS, Cherokee Representative:

Q Don't you know he lives on Salt Creek near Hayden? A No, I don't know for certain I heard he lived on Big Creek. I don't know thought where he lives, I have saw him ever since I have been here. I don't think I ever was at his house.

I hereby certify upon my official oath as stenographer to the Commission to the Five Civilized Tribes that I correctly recorded the testimony and proceedings had in this case on the above date, and that the foregoing is a true and complete transcript of my stenographic notes thereof.

(Signed) J. O. Hanson.

Stenographer.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., April 8, 1903.

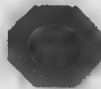
In the matter of the application of Charles G. Smith and others
for enrollment as Cherokee Freedmen.

Applicant represented by Mellette & Smith.
Cherokee Nation represented by W. W. Hastings, and
L. B. Bell.

WILLIAM J. RANDOLPH, being first duly sworn, testified
as follows:

MR. BELL: Tell me your name? A William J. Randolph.
Q How old are you? A Going on 43.
Q Where do you live, your postoffice? A City of Topeka, Kansas.
Q How long have you lived there? A All my life, grew up there
from a little child.
Q Was you born there? A I was born at Springfield, Mo.
Q Well, when did you first commence living at Topeka? A '51.
Q Were you ever acquainted with a colored man by the name of
Charles Smith? A Yes, sir.
Q In Topeka? A Yes, sir.
Q When did you know him there? A About '70 I believe I got ac-
quainted with him.
Q Was he a married man or not? A He got married there.
Q He got married there? A Yes, sir.
Q Who did he marry? A Married Mrs. Colbert's girl.
Q Mrs. Colbert's, do you recollect what her name was? A I
can't, only Miss Colbert, I was a small boy, and that's all
we called her, Miss Colbert.
Q Did you know any other members of the family? A I knowed Jim
Colbert.
Q Did you ever know John J. Ross there? A Well, he married one
of her daughters.
Q Was he a colored man? A Yes, sir.
Q That became of Charley Smith after he married there? A Why
he moved away he married.
Q Right away or did he stay there some years? A Stayed two or
three years.
Q Do you know where he went to? A I understood that he had gone
to the Territory.
Q Said he was going to the Territory? A Yes, sir.
Q And this woman the mother of his wife called herself Mrs. Colbert?
A Yes, sir.
Q She had a son James Colbert? A Yes, sir.
Q They were colored folks? A Yes, sir.
Q And did she go off to the Territory with him, or did she disappear
there, or did she continue to live there? A She went away, they
all went away.
MR. MELLETTE: Where were you born? A Springfield, Mo.
Q What year? A '59.
Q '59. When did you say you first got acquainted with Charley
Smith? A Along about '70.
Q How do you remember that it was '70? A Well, I was going to
school, and they lived just below us in Topeka.
Q Well you lived there all your life at Topeka? A Yes, sir.
Q You were 11 years old in '70? A Somewhere near that.
Q Well, how old were you in '70? A About 11 years old.
Q You don't pretend to remember the years and dates when you were
11 years old do you? A I can remember.
Q Oh I know you can remember, but do you remember any other

CORRECTION



The preceding document(s) has been refilmed
to assure legibility and its image appears
immediately hereafter.

Department of the Interior,
Commission to the Five Civilized Tribes,
Washoe, D.C., April 9, 1902.

In the matter of the application of Charles C. Smith and others
for enrollment as Cherokee Freedmen.

Applicant represented by Mellette & Smith.
Cherokee Nation represented by W. V. Hastings, and
J. S. Bell.

WILLIAM J. RANDOLPH, being first duly sworn, testified
as follows:

MR. BELL: Tell me your name? A William J. Randolph.

Q How old are you? A Going on 43.

Q Where do you live, your postoffice? A City of Topeka, Kansas.

Q How long have you lived there? A All my life, grew up there
from a little child.

Q Was you born there? A I was born at Springfield, Mo.

Q Well, when did you first commence living at Topeka? A '81.

Q Were you ever acquainted with a colored man by the name of
Charles Smith? A Yes, sir.

Q In Topeka? A Yes, sir.

Q When did you know him there? A About '78 I believe I got ac-
quainted with him.

Q Was he a married man or not? A He got married there.

Q He got married there? A Yes, sir.

Q Who did he marry? A Married Mrs. Colbert's girl.

Q Mrs. Colbert's, do you recollect what her name was? A I
can't, only Miss Colbert, I was a small boy, and that's all
he called her, Miss Colbert.

Q Did you know any other members of the family? A I knowed Jim
Colbert.

Q Did you ever know John J. Ross there? A Well, he married one
of her daughters.

Q Was he a colored man? A Yes, sir.

Q What became of Charles Smith after he married there? A Why
he moved away he married.

Q Right away or did he stay there some years? A Stayed two or
three years.

Q Do you know where he went to? A I understood that he had gone
to the Territory.

Q Said he was going to the Territory? A Yes, sir.

Q And this woman the mother of his wife called herself Mrs. Colbert?

A Yes, sir.

Q She had a son James Colbert? A Yes, sir.

Q They were colored folks? A Yes, sir.

Q And did she go off to the Territory with him, or did she disappear
there, or did she continue to live there? A She went away, they
all went away.

MR. BELL: Where were you born? A Springfield, Mo.

Q What year? A '38.

Q Now, when did you say you first got acquainted with Charles
Smith? A Along about '78.

Q How do you remember that it was '78? A Well, I was going to
school, and they lived just below us in Topeka.

Q Well you lived there all your life at Topeka? A Yes, sir.

Q You were 11 years old in '78? A Somewhere near that.

Q Well, how old were you in '78? A About 11 years old.

Q You can't pretend to remember the years and dates when you were
11 years old, do you? A I can remember.

Q Oh I know you can remember, but do you remember any of the years

and the months and the days when you were 11 years old? A I just remember seeing him.

Q Can you remember when it was that you saw him in Topeka? A Why I was going to school there, and I stayed with my sister.

Q Didn't you live with your sister all the time? A While I was going to school in town there.

Q How many years did you live in Kansas? A Lived in Kansas all the time.

Q I mean with your sister there? A I lived with her off and on, go to school all winter and work around town there.

Q How do you remember that it was '70 that you saw this man? A I was going to school there.

Q Well, you went to school in '69? A Yes, sir.

Q '68 too? A Yes, sir.

Q How can you remember that? A Because my father moved across the river.

Q You was 11 years old and you remember him? A Yes, sir.

Q You swear to it? A Yes, sir.

Q You was just a boy? A Yes, sir.

Q What made you remember when you was first asked about this; about when you remembered of Charley Smith being at Topeka? A Oh I was asked about it in Topeka.

Q How long ago? Q Why it wasn't very long ago.

Q Two or three weeks ago wasn't it? A I guess so, maybe not so long and maybe longer.

Q It hasn't been over two months ago? A I guess hardly.

Q And then you remember back when you was 11 years old to the year '70 and remember that that was the year that you saw Charley Smith? A I seen him after that.

Q Yes, but you remember that that was the first time? A Yes, sir.

Q Well, you say you stayed with your sister in '69? A My father moved across the river and I went back in '70.

Q You was a boy at that time? A Yes, sir.

Q 11 years old; could you read? A Yes, sir.

Q Could you read when you was 11 years old? A Yes, sir, read some.

Q How much? A Oh read a book, a paper.

Q Don't you know that you was a colored boy that didn't have any education at that time, you couldn't even remember that that was '70 or '69 or '68? A Oh yes.

Q Could you tell the year right at that time? A Yes, sir.

Q How long ago has that been? A How long ago has it been?

Q Yes, sir. A It's been pretty near thirty years.

Q Thirty years ago? A Yes, sir.

Q How do you happen to think back now and remember that it was '70 when you did this? A Because I went to school there.

Q What year did you first start to school? A I started to school in about—

Q Not about what year you first started to school? A '64.

Q You are certain of that? A Yes, sir.

Q You swear to that? A Yes, sir.

Q You remember that do you? A Yes, sir.

Q How old were you then? A I was going on four years old.

Q Going on four years old and you remember that it was in '64 that you started to school? A Yes, sir.

Q You remember the year? A I was going to school when Lincoln was shot, and that was in '65.

Q Well, you remember that you started to school the year before he got shot? A Yes, sir.

Q You remember that? A Yes, sir.

Q Where were you in '67? A I was in Topeka.

Q What time? A I say my father moved over across the river and I come in in '70 and stayed with my sister.

Q Came in in '78? A Yes, sir.

Q Did you ever stay with your sister before '78? A Once in a while.

Q Well, were you a friend of this man Smith? A Well, just knew him only when I met him, would speak to him.

Q How many times did you meet him? A Met him several times, lived right below us.

Q Were you well acquainted with him? A When I see him yes, sir.

Q Now you will swear that it was '78 that you saw him there? A Yes, sir.

Q To your knowledge you think it was '78; that is all.

MR. HASTINGS: Now far did you live from Charley Smith's or did he live from you? A About three blocks back of us.

Q How long did he live there? A Oh he lived there two or three years.

Q With his wife? A Yes, sir.

Q Did you know his wife before they married? A I seen her, I wasn't well acquainted with the woman, I would see them often.

Q But you know them? A Yes, sir.

Q That's all.

Arthur G. Croninger, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the testimony and proceedings in the above case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Arthur G. Croninger

Subscribed and sworn to before me this 10th day of April, 1902.

Philip J. Kenter
Notary Public.

To be filed with C. F. D-514.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., April 11, 1902.

In the matter of the application of Charles C. Smith et al
for enrollment as Cherokee Freedmen.

SUPPLEMENTAL TO D-514.

Applicants represented by Mellette & Smith, Vinita, I. T.
Cherokee Nation represented by W. W. Hastings and J. S.
Davenport.

The Cherokee Nation by its representatives makes satisfactory proof of service on the applicants' attorneys, Mellette & Smith, that it would on the 11th day of April, 1902, at the offices of the Commission at Muskogee, Indian Territory, introduce testimony tending to disprove the right of the said Charles C. Smith et al to enrollment as Cherokee Freedmen.

The applicants and their attorneys have this day, to wit the 11th day of April, 1902, been called and fail to respond either in person or by attorney.

HATTIE DRAKE, being first duly sworn, testified as follows:

MR. HASTINGS: What is your name? A Hattie Drake.

Q What is your age, Mrs. Drake? A 48 my next birthday.

Q Where do you live? A Lawrence, Kansas, Douglas County.

Q How long have you been living in Lawrence, Kansas? A Well, I was brought there when I was quite a little girl, and I lived there until after I was married, and then I went away and lived ten years, and then moved back to Lawrence and been there ever since, and that's been about seventeen years.

Q Well, where were you living when the war closed? A I was living in Lawrence, not in the city, in the country just a little piece from town.

Q Well, did you move into town after that, after the close of the war, immediately after the close of it? A No, sir.

Q You were living right in the edge of the town? A Yes, sir, you might say; I went to school in town.

Q Did you know a colored woman by the name of Matilda Dannenberg? A I knowed a colored woman by the name of—knowed of her—by the name of Matilda Colbert.

Q Well, did you know any of her children? A Yes, sir.

Q What were their names? A One was named Jane and one was named Emily.

Q Did they have a brother there by the name of Jim? A Yes, sir, there was a little boy they called him either Jim or James, it seems to me they called him Jimmy.

Q Where did you know these girls? A I went to school with them in North Lawrence.

Q Was that after the war closed? A Yes, sir, I am pretty certain it was, I know where we lived when the war closed, and I went from there to school.

Q It was after this time? A Yes, sir.

Q How long did you go to school with them? A Well I couldn't tell just exactly how long, but I went to school two different times, I won't say terms, because I never did go to school a whole term in my life, but two different times I was at school with Jane and Emily; I won't say that I went to school with the little boy, but I have seen him, know him.

Q And you know of their mother? A Yes, sir, I knew of their mother.

Q Did you know about where she lived in the town or city? A Well, I don't know as I was ever at her house, but my understanding was that she lived on Walnut Street in North Lawrence.

Q You knew of her living there? A Heard of it, yes, sir, heard of her living there.

Q You went to school two different times with them? A Yes, sir.

Q Do you remember what years they were? A No, sir, I couldn't tell you.

Q Couldn't tell? A No, sir.

Q Do you know what became of these girls? A No, sir, I don't know what became of them, but I heard, I heard that they moved from Lawrence to Topeka, but I never did see them in Topeka.

Q Well do you know whether Emily was married there or not? A I didn't see her married, I heard that she was.

Q Where? A In Lawrence.

Q To whom? A A man by the name of— I heard her husband was named Rose, John, I believe, Rose.

Q You only heard of this like any other circumstance in the town? A Yes, sir, I didn't see them married and didn't know her husband.

Q Didn't know her husband? A No, sir.

Q Was Jane married when she left there? A If she was I never heard of it.

Q You heard when they left there that they went to Topeka? A Yes, sir, what I heard: Never saw them in Topeka at all.

Q Never saw them? A No, sir.

COMMISSION: How old did you say you were? A I am 47 past, I will be 48 years old the first day of June.

Q Where do you live? A I live in Lawrence, Kansas, Douglas County.

Q When did you first begin to know the mother of these children that you are speaking of? A Well, I didn't know the mother so well, I have just heard of her, know of her.

Q When did you begin to know the children? A When I was going to school with them.

Q You don't know when that was? A I couldn't tell you what year, no, sir.

Q About how old were you, have you any idea? A Well, I was about 11 or 12, between 11 and 13 years old I will say; my mother didn't exactly know my age, but that's what she says that she was—

Q Sometime after the close of the war was it? A Yes, sir.

Q Well, now, how long did these people continue to reside in the same community where you were living? A After I got acquainted with them?

Q Yes. A Well, I couldn't tell you.

Q Were they living there when you came, or did they come afterwards? A I couldn't tell you that.

Q Haven't you any idea how long they continued to live there? A No, sir, I don't know how long they lived there.

Q Do you know when they came to your neighborhood? A No, sir, I lived kind of in the country, and the cause of my knowing these girls I went to school with them, I met them first, I can remember I met them at school.

Q That was after the close of the war was it? A Yes, sir.

Q Do you know where they came from? A No, sir.

Q How long did you continue to know them at that place? A Well I couldn't tell that exactly; I know I went to two different schools with Emily and Jane, and I couldn't tell you just how long, I was quite a little girl myself.

Q Did you ever miss them from that neighborhood during the time that you were there? A Yes, sir.

Q Do you know where they went to? A I don't know where they went to, I heard they went to Topeka.
 Q You don't know then that they did go to Topeka? A No, sir, I never seen them there.
 Q Have you seen them since they left that place? A No, sir.
 Q Have you ever heard of any of them? A Yes, sir.
 Q Where were they living when you heard about them? A I heard that they was living in Topeka.

JOHNATHAN JONES, being first duly sworn, testified as follows:

MR. SAVENPENT: What is your name? A Johnathan Jones.
 Q Where do you live, Mr. Jones? A In Topeka, Kansas.
 Q How long have you lived in Topeka? A Ever since '88, February '88.
 Q You went there after the close of the war? A After the close of the war, I was mustered out—
 Q What part of the city did you locate in when you first went there? A When I first went, just outside of the town, out on the prairie just outside of the town.
 Q Well, after you went to Topeka, Kansas, did you get acquainted with a colored woman by the name of Tildy Dannenberg or Matilda? A Tildy Gilbert she was called when I first got acquainted with her.
 Q Well, do you know whether or not this Tildy Gilbert as you know her had any family? A Well, yes, sir, she had three children.
 Q What were their names if you know? A There was Emma and Jane and Jim.
 Q Was either of them married when you first got acquainted with them? A Well, yes, sir, Emma was married.
 Q Do you know what her husband's name was? A John Rose.
 Q Did you ever get acquainted with John Rose while they lived there? A Yes, sir.
 Q Well, was Jane married or not? A Well, she married afterwards, after they went to Topeka.
 Q Do you know to whom she was married? A Oh yes, sir.
 Q What was her husband's name? A Charley Smith.
 Q Now about that year, about how long had you been in Topeka before you got acquainted with Matilda Gilbert? A Well, I suppose I had been there about two years before I got acquainted with them, I ain't positive, a year or two anyway, I can't say positively.
 Q How far did you live from them when they first located? A Well, when I first got acquainted with them I lived—they lived on Jefferson and I lived down on—
 Q Jefferson street you mean? A Yes, sir, on Jefferson street, and I lived down on Washington close to Crane.
 Q Well, did they afterwards move? A Yes, sir, they moved and lived about, I suppose from here over to the building across the way. Pointing across the street.
 Q That street did they live on then? A Crane street.
 Q How far from you then did they live when they lived on Crane? A Well, about as far as from here over to that building across the street.
 Q About how far would you estimate that? A They was about half their lot.
 Q About half a block? A About half their lot, just the length of 150 feet their lot was you know, and they was a little over half way from me.
 Q Well, now, did this woman Matilda Gilbert as you know her, marry any more while you knew her? A Well, I can't tell you whether she

married or not, but it strikes me that she did.

Q Now Mr. [unclear], how long after you got acquainted with Matilda Colbert or her children did they continue to live in Topeka or near Topeka? A Well, I suppose they lived there about six years, somewhere about that, after I got acquainted with them five or six years as near as I can recollect.

Q Well now while the family lived there was you well acquainted with them? A Oh, I was, yes, sir.

Q About how often would you see them when they were living on [unclear] Street? A Every day.

Q Did they continue to make that their home? A Yes, sir, till they sold out to come down.

Q Do you know whether or not they owned their property there? A Yes, sir, and owned it.

Q Now this Jim you speak of, what name did he go by? A Jim Colbert.

Q And Jane had married Charles Smith while A She was Jane Colbert when they first went there.

Q And Emily had married? A Married John [unclear] when they first came.

Q Well, now, do you know where they said they came from when they came to Topeka, where did they say they came from? A Lawrence.

Q Lawrence, Kansas? A Yes, sir.

Q Well, now, about what year did they leave or move away from Topeka, Mr. Jones? A I suppose in '73 or '2, I ain't positive just which, but somewhere along there.

Q They came to Topeka about what year? A They came there I suppose, just my idea is as well as I can recollect, in '68 or '9. I couldn't say positively, but '68 or '9.

Q Went away from there about '73 or '4? A Yes, sir.

Q Somewhere long there? A Somewhere there in that neighborhood, right about that.

COMMISSION: You didn't learn to know these people until about two years after you came to Topeka, Kansas? A Well, somewhere about that, I couldn't say positively just exactly what time, but then somewhere in the neighborhood of two years I got acquainted.

Q It was approximately two years after you came to Topeka when you first learned to know them? A Yes, sir.

Q You went to Topeka in '68? A In '68.

Q You don't know where these people were in '68? A I don't.

Q Haven't any idea? A No, sir.

Q Well now how long did they continue to reside there at Topeka, Kansas, about how long? A Well, I suppose they staid there some five or six years.

Q Do you know where they went to then? A Well, yes, sir, they came down to the Territory.

Q To the Cherokee Nation? A Yes, sir.

Q Haven't they resided in Topeka since that time? A No, sir, not that I know of.

MR. DAVENPORT: The Cherokee Nation offers in evidence a certified copy of a Marriage License of Joseph Lacy, of Topeka, Kansas, to Matilda Danneburg, of Topeka, Kansas, dated February 6, A. D. 1868; also Marriage License of William Rose, of Topeka, Kansas, to Matilda Lacy, of Topeka, Kansas, dated April 5, 1873; said documents being as follows:

State of Kansas,
County of Shawnee,) ss. [unclear] Probate Judge of said County.

Be it remembered, that on the sixth day of February, A. D. 1868, there was issued from the office of said Probate Judge, a Marriage License

same, of which the following is a true copy:

—Marriage License:—

Shawnee County, State of Kansas, February 8,
A. D. 1888.

To Any Person Authorized by Law to Perform the Marriage Ceremony

Greeting:

You are hereby authorized to join in Marriage, Joseph Lacy of Topeka, aged 25 years and Matilda Benningburg, of Topeka, aged 30 and of this license you will make due return to my office within thirty days.

(Seal) Loris Wankack, Probate Judge.

And which said Marriage License was afterwards, to wit: on the 25th day of February, A. D. 1888, returned to said Probate Judge, with the following certificate endorsed thereon, to wit:

I, Thos. Wilson, Clerkman do hereby certify, that in accordance with the authorization of the within license, I did on the 7th day of February, A. D. 1888, at Topeka, in said County, join and unite in Marriage the within named Joseph Lacy and Matilda Benningburg.

Witness my hand and seal this day and year above written.

Thos. Wilson.

Attest:

Loris Wankack,
Probate Judge.

State of Kansas,

County of Shawnee,

Office of Probate Judge of said County.

Be it remembered, that on the fifth day of April, A. D. 1873, there was issued from the Office of said Probate Judge, a Marriage License, of which the following is a true copy:

—Marriage License:—

Topeka, Shawnee County, State of Kansas,
April 5th, A. D. 1873.

To Any Person Authorized by Law to Perform the Marriage Ceremony

Greeting:

You are hereby authorized to join in Marriage, William Rose of Topeka, Kansas, aged 24 years and Matilda Lacey of Topeka, Kansas, aged 35 years and of this license you will make due return to my office within thirty days.

(Seal) D. C. Hainster, Probate Judge.

And which said Marriage License was afterwards, to wit: on the 30th day of April, 1873, returned to said Probate Judge with the following certificate endorsed thereon, to wit:

I, Rev. E. W. Corp, do hereby certify that in accordance with the authorization of the within License, I did on the sixth day of April, A. D. 1873, at Topeka, in said County, join and unite in Marriage the within named William Rose and Matilda Lacey.

Witness my hand and seal this day and year above written.

E. W. Corp.

Attest:

D. C. Hainster,
Probate Judge.

I, J. E. Fagan, Judge and ex officio Clerk of the Probate Court within and for the County of Shawnee and State of Kansas, do hereby certify that the above foregoing is a full, true and correct copy of the original marriage license issued by the Probate Judge of this

County to Joseph Lacy and Matilda Benisburg, the original marriage license issued by said Judge to William Rose and Matilda Lacy, and of the original returns endorsed on said licenses by the persons performing the marriage ceremony as the same appears on file in my office.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Court, at my office in the City of Topeka, this 24th day of April, 1903.

W. F. Egan, Probate Judge.

(Seal)

Also a certificate which is as follows:

Topeka, Kansas, April 5, 1903.

State of Kansas,
Shawnee County.

I, F. L. Stephens, Reg. of Deeds of above named County and State, do hereby certify that the records of this office show that one Matilda Lacy acquired title to lot No. 255 on Crane Street in Crane's Add. to Topeka, Kansas, from F. L. Grand, on the 2d day of June, 1871, and further that said said Matilda Lacy acquired title to lot No. 256 on Crane Street in Crane's Add. to Topeka, Kansas, to said Matilda Freeman on the 18th day of June, 1874.

Witness my hand and seal of office this 5th day of April, A. D. 1903.

F. L. Stephens.

(Seal and stamp)

Reg. of Deeds Shawnee County, State of Kansas

The representatives of the Cherokee Nation offer in evidence a certified copy of marriage license of John V. Rose, of Douglas County, Kansas, to Mary Pollard, Douglas County, Kansas, dated June 23, 1867.

COMMISSION: This testimony will be filed with and made a part of the record in the following Cherokee Freedmen cases: D-474, D-511, D-520, D-522, D-523, D-524, D-525, D-526, D-527, D-528, D-529, D-530, D-531, D-532, D-533, D-534, D-535, D-536, D-537, D-538, D-539, D-540, D-541, D-542, D-543, D-544, D-545, D-546, D-547, D-548, D-549, D-550, D-551, D-552, D-553, D-554, D-555, D-556, D-557, D-558, D-559, D-560, D-561, D-562, D-563, D-564, D-565, D-566, D-567, D-568, D-569, D-570, D-571, D-572, D-573, D-574, D-575, D-576, D-577, D-578, D-579, D-580, D-581, D-582, D-583, D-584, D-585, D-586, D-587, D-588, D-589, D-590, D-591, D-592, D-593, D-594, D-595, D-596, D-597, D-598, D-599, D-600, D-601, D-602, D-603, D-604, D-605, D-606, D-607, D-608, D-609, D-610, D-611, D-612, D-613, D-614, D-615, D-616, D-617, D-618, D-619, D-620, D-621, D-622, D-623, D-624, D-625, D-626, D-627, D-628, D-629, D-630, D-631, D-632, D-633, D-634, D-635, D-636, D-637, D-638, D-639, D-640, D-641, D-642, D-643, D-644, D-645, D-646, D-647, D-648, D-649, D-650, D-651, D-652, D-653, D-654, D-655, D-656, D-657, D-658, D-659, D-660, D-661, D-662, D-663, D-664, D-665, D-666, D-667, D-668, D-669, D-670, D-671, D-672, D-673, D-674, D-675, D-676, D-677, D-678, D-679, D-680, D-681, D-682, D-683, D-684, D-685, D-686, D-687, D-688, D-689, D-690, D-691, D-692, D-693, D-694, D-695, D-696, D-697, D-698, D-699, D-700, D-701, D-702, D-703, D-704, D-705, D-706, D-707, D-708, D-709, D-710, D-711, D-712, D-713, D-714, D-715, D-716, D-717, D-718, D-719, D-720, D-721, D-722, D-723, D-724, D-725, D-726, D-727, D-728, D-729, D-730, D-731, D-732, D-733, D-734, D-735, D-736, D-737, D-738, D-739, D-740, D-741, D-742, D-743, D-744, D-745, D-746, D-747, D-748, D-749, D-750, D-751, D-752, D-753, D-754, D-755, D-756, D-757, D-758, D-759, D-760, D-761, D-762, D-763, D-764, D-765, D-766, D-767, D-768, D-769, D-770, D-771, D-772, D-773, D-774, D-775, D-776, D-777, D-778, D-779, D-780, D-781, D-782, D-783, D-784, D-785, D-786, D-787, D-788, D-789, D-790, D-791, D-792, D-793, D-794, D-795, D-796, D-797, D-798, D-799, D-800, D-801, D-802, D-803, D-804, D-805, D-806, D-807, D-808, D-809, D-810, D-811, D-812, D-813, D-814, D-815, D-816, D-817, D-818, D-819, D-820, D-821, D-822, D-823, D-824, D-825, D-826, D-827, D-828, D-829, D-830, D-831, D-832, D-833, D-834, D-835, D-836, D-837, D-838, D-839, D-840, D-841, D-842, D-843, D-844, D-845, D-846, D-847, D-848, D-849, D-850, D-851, D-852, D-853, D-854, D-855, D-856, D-857, D-858, D-859, D-860, D-861, D-862, D-863, D-864, D-865, D-866, D-867, D-868, D-869, D-870, D-871, D-872, D-873, D-874, D-875, D-876, D-877, D-878, D-879, D-880, D-881, D-882, D-883, D-884, D-885, D-886, D-887, D-888, D-889, D-890, D-891, D-892, D-893, D-894, D-895, D-896, D-897, D-898, D-899, D-900, D-901, D-902, D-903, D-904, D-905, D-906, D-907, D-908, D-909, D-910, D-911, D-912, D-913, D-914, D-915, D-916, D-917, D-918, D-919, D-920, D-921, D-922, D-923, D-924, D-925, D-926, D-927, D-928, D-929, D-930, D-931, D-932, D-933, D-934, D-935, D-936, D-937, D-938, D-939, D-940, D-941, D-942, D-943, D-944, D-945, D-946, D-947, D-948, D-949, D-950, D-951, D-952, D-953, D-954, D-955, D-956, D-957, D-958, D-959, D-960, D-961, D-962, D-963, D-964, D-965, D-966, D-967, D-968, D-969, D-970, D-971, D-972, D-973, D-974, D-975, D-976, D-977, D-978, D-979, D-980, D-981, D-982, D-983, D-984, D-985, D-986, D-987, D-988, D-989, D-990, D-991, D-992, D-993, D-994, D-995, D-996, D-997, D-998, D-999, D-1000.

Arthur D. Greening, being duly sworn, states that he subscribes to the commission to the Five Civilized Tribes he reported in all the testimony and proceedings in the above case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(Return to Greening)

Subscribed and sworn to before me this 1st day of April, 1903.

[Signature]
Notary Public

NOTES

Graphic notes thereof.

[illegible]

NOTIFICATION: Let's celebrate with a

In 1941, from her left hand she took the ring of the Bishop of Rome. I told her that I had a child, a boy, and he is now in the hospital. I told her that I had a child, a boy, and he is now in the hospital. I told her that I had a child, a boy, and he is now in the hospital.

Q All right, Richard Brown's wife was a Quaker, wasn't she? A Yes, sir.

Lived once here.
 O The Old Brown's offspring Choctaw, A Wolf I don't know; he
 Xas' A she has a Cherokee lady.
 O Pardon me of the land, A Old Brown, a
 O The Old Brown's wife's offspring of the Choctaw Nation at the
 Remembrance of the ladies, names, I know Mr. Brown's son.
 O You don't know any of their names, do you? A No sir. I don't
 O Please be quiet.

Q. Did he have any slaves, Richard? A. I don't know. I mean when

Q Now you told me that the Choctaw Nation still has the title deed over it? A Yes, sir. I know he might have been in the Nation here.

Q And the Choctaw Nation? A I said maybe when he was a child he lived in the Choctaw Nation and part of the Brown River part of the time in the Cherokee Nation and part of the

Department of the Interior
Commission to the Five Civilized Tribes
Muskogee, Indian Territory, 1902.

In the matter of the application of Kate Brown et al. for
enrollment as Cherokee Freedmen, F. B. No.

Applicants represented by A. G. McKee, Muskogee, I. T.
Cherokee Nation represented by James S. Davenport.

COMMISSION: The representative of the Cherokee Nation makes
satisfactory proof of service that testimony would be introduced
in behalf of the Cherokee Nation on the same day of April, 1902,
at the office of the Commission at Muskogee, Indian Territory.

ELIZABETH DRUM, being first duly sworn, testified as
follows:

MR. DAVENPORT: What is your name? A Elizabeth Drum.

Q Where do you live, Mrs. Drum? A I live near Illinois Station,
Cherokee Nation, in the Illinois District, yes, sir.

Q How old are you? A I couldn't tell you just exactly my age, I
don't know; I'm over 70 though.

Q Was you born and raised in the Cherokee Nation? A Yes, sir.

Q Near that place were you raised? A I was born back in the old
country.

Q Did you know Ogle Brown during his lifetime who was a Cherokee
man? A Yes, sir, I knew Ogle Brown.

Q Do you know whether or not he was living when the civil war
broke out? A He wasn't living, he was dead.

Q Where had he been making his home prior to his death, Mrs. Drum?
A Well, he made his home in Canadian and in the Choctaw Nation.

Q Choctaw Nation? A Yes, sir.

Q Did you know his son Richard Brown? A Yes, sir.

Q Was he living or was he dead at the breaking out of the war?
A He was killed.

Q Where was he at the time he was killed, if you know? A He was
in the Choctaw Nation somewhere.

Q Did he have a home down there at that time? A Yes, sir, I
think so; he married over there.

Q Had married a Choctaw? A Yes, sir, married a Choctaw.

MR. McKEE: I understood you to say, Mrs. Drum, that Mr. Richard
Brown was a Native Cherokee Indian, wasn't he? A No, sir, he was Cherokee,
yes, sir, he was Cherokee.

Q And he was only an adopted citizen if he was a citizen at all of
the Choctaw Nation, he was adopted? A I don't know; he was married
over there.

Q Well, do you know— A I don't know but what he was part Choctaw
himself, I don't know about that; he was Ogle's son, I know that;
but I don't know his mother.

Q Well now what was Mr. Ogle Brown's nationality, what was his
blood? A Cherokee.

Q Then his son Richard would be Cherokee also would he not? A
Yes, sir.

Q Did Mr. Richard Brown ever live in the Cherokee Nation, Mrs. Drum?
A I don't know; I don't know; I don't believe his was ever did.

Q I don't remember; I guess he did when he was a child.

Q Did you know any of the slaves belonging to the estate of Ogle
Brown? A No, sir.

Q Wasn't acquainted with any of the slaves? A No, sir.

Q Did you know the mother of Richard Brown? A No, sir, I don't
know her.

Q Did Cole Brown or his son ever live in the Cherokee Nation, Indian Territory? A Yes, sir, I think they are.
 Q When did he die? A Cole Brown.
 Q Yes. A Well, about four or five years before the war.
 Q I say where did he die? A Over the line I think in the Cherokee Nation somewhere.
 Q Now I understood you to say a while ago that he lived, Richard Brown lived part of the time in the Cherokee Nation and part of the time in the Cherokee Nation. A I said maybe when he was a child he might have been in the Nation here.
 Q That is Richard Brown? A Yes, sir, Cole's son. I know he lived in the Cherokee Nation all his life pretty near ever since he got grown man.
 Q Did he have any slaves, Richard? A I don't know, I guess they did, a few, two or three.

LEWIS T. BROWN: Did Cole Brown own any slaves? A Well, I said I guess he did.
 Q You don't know any of their names, do you? A No, sir, I don't remember the names, I know Mr. Brown's son.
 Q Was Cole Brown's wife a citizen of the Cherokee Nation at the beginning of the war? A Cole Brown's.
 Q Yes. A She was a Cherokee lady.
 Q Was Cole Brown's citizenship Cherokee? A Well, I don't know; he lived over there.
 Q Well, Richard Brown's wife was a Cherokee, wasn't she? A Yes, sir.
 MR. MORRIS: Well you just stated that Cole Brown's wife was a Cherokee, the mother of Richard Brown, she was a Cherokee. A She wasn't his mother.
 Q She wasn't the mother of Richard Brown. A No, sir, maybe just had one child, a boy, and he's dead now I guess.
 Q Well, did you know the mother of Richard Brown? A I told you I didn't know her.

COMMISSIONER: This testimony will be filed with and made a part of the record in the following Cherokee Freedmen cases: B-411, B-418, B-420, B-421, B-424, B-427, B-434, B-439, B-447, B-455, B-46, and B-175, being the case at bar.

Arthur G. Croninger, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the testimony and proceedings in the above case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Arthur G. Croninger

Subscribed and sworn to before me this 25th day of April, 1901.

J. R. Renter
Notary Public.

NOSE, LIP, EYE.

and Brown to before me this 28th day of April, 1868.

Exhibit notes thereof.

That the foregoing is a true and complete transcript of his statement in full the testimony and proceedings in the above case, and a statement to the Commission to the five civilized tribes, and a statement of the Commission, being that said Brown, states, that he

and Brown, being the case at law.

That the following is the testimony of the Cherokee Nation, as given by the Commission, to the five civilized tribes, and a statement of the Commission, being that said Brown, states, that he

and Brown, being the case at law.

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Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., April 22, 1903.

In the matter of the application of Sam. Holmes et al for
enrollment as Cherokee Freedmen, P. D-179.

Applicants represented by A. H. Nelson, Muskogee, I.T.
Cherokee Nation represented by James S. Davenport.

COMMISSION: The representative of the Cherokee Nation makes
satisfactory proof of service that testimony would be introduced
in behalf of the Cherokee Nation on the 22nd day of April, 1903,
at the office of the Commission at Muskogee, Indian Territory.

ELIZABETH DRUM, being first duly sworn, testified as
follows:

MR. DAVENPORT: What is your name? A Elizabeth Drum.

Q Where do you live, Mrs. Drum? A I live near Illinois Station.

Q Cherokee Nation? A In Illinois District, yes, sir.

Q How old are you? A I couldn't tell you just exactly my age, I
don't know; I'm over 70 though.

Q Was you born and raised in the Cherokee Nation? A Yes, sir.

Q Near what place were you raised? A I was born back in the old
country.

Q Did you know Ocie Brown during his lifetime who was a Cherokee
man? A Yes, sir, I knew Ocie Brown.

Q Do you know whether or not he was living when the Civil War
broke out? A He wasn't living, he was dead.

Q Where had he been making his home prior to his death, Mrs. Drum?
A Well, he made his home in Canadian and in the Choctaw Nation.

Q Choctaw Nation? A Yes, sir.

Q Did you know his son Richard Brown? A Yes, sir.

Q Was he living or was he dead at the breaking out of the war?
A He was killed.

Q Where was he at the time he was killed, if you know? A He was
in the Choctaw Nation somewhere.

Q Did he have a home down there at that time? A Yes, sir, I
think so; he married over there.

Q Had married a Choctaw? A Yes, sir, married a Choctaw.

MR. NELSON: I understood you to say, Mrs. Drum, that Mr. Richard
Brown was a native Cherokee Indian, wasn't he? A He was Cherokee,
yes, sir, he was Cherokee.

Q And he was only an adopted citizen if he was a citizen at all of
the Choctaw Nation, he was adopted? A I don't know; he was married
over there.

Q Well, do you know-- A I don't know but what he was part Choctaw
himself, I don't know about that; he was Ocie's son, I know that;
but I don't know his mother.

Q Well now what was Mr. Ocie Brown's nationality, what was his
blood? A Cherokee.

Q Then his son Richard would be Cherokee also would he not? A
Yes, sir.

Q Did Mr. Richard Brown ever live in the Cherokee Nation, Mrs. Drum?

A I don't know; I don't know; I don't believe his son ever did,
I don't remember; I guess he did when he was a child.

Q Did you know any of the slaves belonging to the estate of Ocie
Brown? A No, sir.

Q Wasn't acquainted with any of the slaves? A No, sir.

Q Did you know the mother of Richard Brown? A No, sir, I didn't
know her.

Q Did Ocie Brown or his son ever live in the Cherokee Nation, Indian Territory? A Yes, sir, a long time ago.

Q When did he die? A Ocie Brown?

Q Yes. A Well, alone about four or five years before the war.

Q I say where did he die? A Just the line I think in the Choctaw Nation somewhere.

Q Now I understood you to say a while ago that he lived, Richard Brown lived part of the time in the Cherokee Nation and part of the time in the Choctaw Nation? A I said maybe when he was a child he might have been in the Nation here.

Q That is Richard Brown? A Yes, sir, Ocie's son. I know he lived in the Choctaw Nation all his life pretty near ever since he got grown man.

Q Did he have any slaves, Richard? A I don't know, I guess they did, a few, two or three.

LEWIS T. BROWN: Did Ocie Brown own any slaves? A Well, I said I guess he did.

Q You don't know any of their names, do you? A No, sir. I don't remember the names, I know Mr. Brown's son.

Q Was Ocie Brown's wife a citizen of the Choctaw Nation at the beginning of the war? A Ocie Brown's?

Q Yes. A She was a Cherokee lady.

Q Was Ocie Brown's citizenship Choctaw? A Well, I don't know: he lived over there.

Q Well, Richard Brown's wife was a Choctaw, wasn't she? A Yes, sir.

MR. McREA: Well you just stated that Ocie Brown's wife was a Cherokee, the mother of Richard Brown, she was a Cherokee? A She wasn't his mother.

Q She wasn't the mother of Richard Brown? A No, sir, Betsey just had one child, a boy, and he's dead now I guess.

Q Well, did you know the mother of Richard Brown? A I told you I didn't know her.

COMMISSION: This testimony will be filed with and made a part of the record in the following Cherokee Freedmen cases: D-511, D-518, D-520, D-521, D-504, D-517, D-514, D-515, D-517, D-515, D-12, and D-175, being the case at bar.

Arthur G. Croninger, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the testimony and proceedings in the above case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Arthur G. Croninger

Subscribed and sworn to before me this 25th day of April, 1902.

J. R. Renter

Notary Public.

Subscribed and sworn to before me this 21st day of

Handwritten signature

At this time also at the City of New York
I have signed and delivered to the Clerk of the Court
the following Certificate of the Court:

(Signed)

(Signed)

Subscribed and sworn to before me this 21st day of

1902

(Signed)

Graphic notes thereof.

That the foregoing is a true and complete transcript of the
depositions taken at the City of New York on the 21st day of
August, 1902, in the case of the People vs. the People,
No. 100, in the Court of Sessions, City and County of New York.

COMMUNICATED

Attest:

Notary Public for the State of New York

My Commission Expires on the 21st day of August, 1903

Witness my hand and seal this 21st day of August, 1902

At New York City

Notary Public for the State of New York

My Commission Expires on the 21st day of August, 1903

To be filed with F. D. 514.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, T. T., May 13, 1902.

In the matter of the application of Elizabeth Keige for the enrollment of herself as a Cherokee Freedman.

Cherokee Nation appears by W. W. Hastings.
Applicant appears by L. T. Brown.

MRS. LYDIA BARTON, being first duly sworn testified as follows:

MR. HASTINGS: What is your name? A Mrs. Lydia Barton.
Q What is your residence? A Fort Scott, Kansas.
Q Do you hold any official position at the present time? A Yes, sir.
Q What is it? A County clerk.
Q Of the county in which Fort Scott is located? A Yes, sir.
Q Have you an official paper? A Yes, sir.
Q What is it? A Our official paper at the present time is the Republican, but that changes you know from time to time.
Q Do you know what your official paper was in December, 1866, and up to and including March of 1867? A Yes, sir.
Q What was it? A The Fort Scott Monitor.
Q Are you required to keep files of this paper in your office? A We are.
Q Have you a file of the official paper including December, 23, 1866? up to and including March of 1867? A Yes, sir. (Here presents files.)
MR. HASTINGS: The Cherokee Nation offers in evidence the account found in the Fort Scott Monitor of date Wednesday, December, 23, 1866, found on the second column of the editorial page, headed "Another Murder."
MR. BROWN: Comes now the agent for the applicant and objects to the introduction of these newspaper accounts for the reason that they are incompetent, irrelevant and immaterial, and purely hearsay.
COMMISSION: The objection will be noted and the newspaper accounts introduced in evidence and considered for what they are worth.

"Another Murder."

Shooting of D. Hayford.

Testimony given before the coroner.

On Saturday night, the 22nd. inst., after dark, Mr. Dyer Hayford, of this city was found murdered. A colored man, named Eli Mackey, has been arrested, and is in jail, charged with the crime. There would not seem to be much, if any, doubt of his guilt. Mr. Hayford, has been a resident of Fort Scott for several years, has kept a grocery and provision store on the corner of Williams and Bigler Streets, and was a very quiet and inoffensive man. The facts of his murder as we learn them, are these.

On Saturday, about dark, the sack of flour which Mr. Hayford had placed on a box, outside the door of his store, was stolen. Being missed almost immediately, and learning that Mackey had taken it, and was then on his way home with it, (Mackey resides near Fort Scott mills,) Mr. Hayford jumped on a horse and started towards the mill. He had not been gone more than twenty or thirty minutes before several shots were fired, on the road between the city and the mills, where Mr. Hayford was found on the ground, in the last agonies of death. He had received four shots from a weapon, evidently a revolver.

Justice was at once directed to Mackey and he was aware that as the news spread through the city, the excitement and the excitement was great, and many threats of lynching Mackey were made; but wise and better counsels prevailed, and there was no disturbance.

On Sunday, Justice Hargrave was called on to hold a coroner's inquest. A jury was empanelled, consisting of Messrs. C. F. Burke, Joseph Ray, Frank Clough, Porter Williams, Jos. Warden, and J. S. Phillips. The body of Mr. Rayford having removed to his residence, the jury proceeded to inquire into the cause of his death. We give the principal part of the testimony given before the jury.

Drs. J. S. Redfield and B. F. Myler made a post-mortem examination, and testified that they found four pistol or shot wounds on the body and face of Dyer Rayford, then lying down before them. One shot entered the region of the stomach, which came out over the liver, in the side of the back. This wound bears evidence that the pistol was held close to the body when discharged. Two other wounds found on the body were about two inches above the left hip and about an inch and a half apart - one ball passing through, coming out below the left shoulder, the other ranging downward, and was found close to the spinal column, a few inches below the lower rib on the left side of the body. The fourth ball entered the upper part of the chin, not fracturing the bone, and lodged in the right shoulder, (evidently fired, we think, after he was on the ground.) The surgeons testified that any of the three wounds found on the body would have been mortal.

Alonzo Gullin, (colored) sworn - Was at Rayford's store on Sunday, just after six o'clock, came on horseback, left my horse at the door, went in and found Rayford alone and coming toward the door; Eli Mackey, colored, was standing on the walk when I went into Rayford's; a sack of flour was standing on the box at the door when I went in; Rayford came out and the flour was gone; he asked me where it was when I came in, and I told him; asked me to get on my horse and follow Mackey and see if he had the flour; I did so; rode very fast and overtook Mackey at the mill. Going toward the mill, he had stopped and the sack of flour was on the ground and Mackey's coat was off and thrown over the flour but the end of the coat was in sight; I rode close to him; he put his hands up to his eyes and said, "Right's art; I inquired if he had the flour; he said no; I rode back toward Rayford's and told him where the flour was; Rayford said, 'I don't get the flour, and asked me for my pony; he got on and rode off; he had been gone a good while before I heard the firing; he had been gone long enough to ride to the mill and back to the place where he was shot, before I heard the firing. When I saw the shot at Rayford's he was on a soldier's coat; it was off when I found him with the flour. Didn't notice that at any time whether he had any arms or weapons with him; saw him again after he was shot, a short time after Rayford was killed; he then had a different coat. He asked what he was arrested for; he was told, for stealing flour; he asked if he had seen him with the flour; he was then told he had shot Rayford, and he said he had nothing to shoot with. I saw that he generally carried a revolver; when I saw him with the flour I didn't notice whether he had one or not. When Rayford stopped from the store, he said he would go and get Mr. Myers to go with him to get the flour; from the place where I saw Mackey with the flour to that where Rayford was shot, is about one hundred yards. I heard three shots distinctly.

Harry Lender, (colored) sworn - Saturday evening heard several shots fired. Was at home, lived near the mill close by Eli Mackey. About twenty minutes after the shots were fired Mackey came to my door; asked me if his wife was there; told him no. He seemed to be in a hurry. He had on a black soldier's coat; the shooting sounded as if it was south from my house, and about the place where Hayford was found; someone rode down to Mackey's and returned about fifteen minutes, before the shots were fired. Saw the coat which Mackey wore when he came to my house, at his house afterward. - Do not know whether he had any revolver then or not, he usually carries one, have seen him have one several times. I did not notice any flour on his coat. It was a navy revolver which Mackey usually carried. He also owns a gun; didn't see that at his house that night. When Mackey left my house he went to his house, and soon afterward heard him going back to town whistling. Mr. Jones found the sack of flour at the edge of the creek; looked as if thrown down the bank. Was found about twenty yards from Mackey's house. Saw Mackey have a revolver on Friday the day before Hayford was killed.

E. C. K. Myers, sworn - I live about 100 yards west of Eli Mackey's. Saturday night was at home sick abed; a man came to my house and inquired for me; I heard him and knew by his voice that it was Mr. Hayford; have known him several years. He left and my wife said he rode in a northerly direction, that is the way from my house to Mackey's. About five minutes after he left I heard four distinct shots. From the sound thought they were about 150 yards off and southwest from my house. After the firing heard someone walking past, whistling; he was going towards town.

Stephen Looney, (col.) sworn - After dark Saturday night I saw Eli Mackey at Smith's saloon. He asked me to play cards with him that night. He went out and I told him not to stay long. I waited a good bit and Mackey didn't come back and I went out and called him; he didn't answer; I then went over to Hayford's and learned that a sack of flour had been stolen. Didn't notice whether Hayford was there or not. Alonso Gullin told me he saw Mackey on the road towards home, and that Mackey heard re call, but wouldn't answer. Didn't see Mackey again until Mr. Jones had arrested him, and brought him up to town. When I saw Mackey at Smith's he had on a soldier's frock coat; he had a revolver on him then; it was a big navy revolver. When I saw him after he was arrested, I think he had on a different coat.

Daniel O'Neil, sworn - Saturday night I was at Kirby's and heard a shot fired, and soon after heard a man halloo; run out and another shot was fired before I got out; immediately after heard another shot and saw the flash of a pistol down in the bottom toward the mill. Alex Harris, Westly Dickey and myself run down the road. We found a man lying on his side; his face was turned downward; he was alive but could not speak. From the sound I know it was a pistol that was fired. Came to town to find Mr. Jones, Deputy Marshal.

The coroner's jury returned to the justice their inquisition, stating that Dyer Hayford came to his death by gun-shot wounds received at the hands of Eli Mackey; they also found that Mackey had feloniously and wilfully fired the revolver at Mr. Hayford with intent to kill him.

Mackey will have his examination soon, before Justice Maygrave, and will no doubt be committed for trial at the next April term of the district court. Mackey is said to be a very dangerous man; he was raised in the Cherokee Nation, and is said to be part Cherokee. He is also accused of having assassinated two men in the Nation, before he came to Fort Scott,

and he was once before arrested here, for shooting at a man; but before his trial came off the prosecuting witness left for parts unknown, and Mackey was discharged without trial. Let him be tried for the offence with which he now stands charged, and if guilty he should expiate his crime on the gallows."

MR. HASTINGS: I desire to introduce an editorial from the Fort Scott Monitor of date February, 27, 1867, as follows:

"Eli Mackey, colored, accused of the murder of Dyer Hayford, confined in our jail, to await his trial at the next term of the District Court, for murder in the first degree, escaped last evening, and up to the time of going to press this morning, has not been heard of. A reward of two hundred dollars is offered for his apprehension."

MR. HASTINGS: The Cherokee Nation offers in evidence the following from the Fort Scott Monitor of Wednesday, March 27, 1867:

"A Chapter of Horrors.

Murderer of Hayford Captured and Hung.

Tragic events connected with the affair.

The history of our community for the past week is replete with horrors, such as will, for long days to come, overshadow the hearts of our citizens with gloom.

A few weeks ago, we published an account of the escape of Eli Mackey, the black fiend, who last winter murdered Dyer Hayford. Ever since that time the officers of justice have been on the alert with a view of his recapture, and on Wednesday, the 20th inst., Deputy Sheriff Wheaton, having learned that the murderer was concealed in his brother's house, about five miles northeast of this city, started, in company with his son, Charles T. Wheaton, Edward Coe - who were on police duty in this city - and Benj. Files, for the purpose of capturing him.

On arriving at the house, Messrs. Coe and Wheaton, Jr., approached and ordered the wretch to surrender. In return he fired several shots through the partially open door, and then ran out of the house into the open prairie. Coe, being nearest, received the first shots that were fired. He stepped to the corner of the house, sat down and expired in about fifteen minutes. Immediately after Charley Wheaton received a ball in the right side and fell to the ground. For some time no hope was entertained for his recovery; but at the present writing his condition is improved, and his friends entertain some hopes that he will live.

In the mean time a number of the neighbors had gone around and headed by Capt. Curtis Johnson, Mr. Files and Mr. Dickinson started in pursuit. The murderer, with a gun and revolver in his hands, ran fleetly across the prairie, firing at his pursuers as he ran, and dropping down to load as fast as his weapon became empty. Finally, when nearly dead from the wounds he received from his pursuers, he signified his readiness to surrender; but even after they approached him his bloodthirsty spirit was not satisfied, and he fired the two remaining shots in his revolver at the crowd. Fortunately, no one was injured, though Mr. Dickinson had part of his coat shot off. After the murderer was secured he was taken back to the house from which he had fled and hung by the neck until he was dead. Before his death he tried to implicate an innocent negro in the murder of Mr. Hayford, but having been caught in the falsehood, he confessed to having committed the deed himself. He also confessed to having killed five other men, and also to having shot at Major Jefford last winter. - All reports indicate that he has always been a character with scarcely a parallel in the annals of history for desperation.

and bloodthirstiness. - We are informed that at one time, in the Cherokee Nation, 25 men attempted to arrest him but failed on account of his desperation. The colored people, who knew him, were terrible afraid of him. History has seldom presented a character so utterly lost even to every sentiment of humanity.

As a general rule, we have always depreciated the taking of life except by due process of law, as dangerous to the peace and quiet of the community and to the best interests of society. We have always found that nothing but the most extreme necessity would justify it, but we believe in this instance that necessity existed; for every moment this desperado was allowed to live, endangered the lives of good citizens. We learn that the house he occupied was since burned to the ground. The sufferers from their attempt to arrest him, were among the best of our young men. As members of the police force of this city they have performed their duties faithfully. Generous and brave to a fault, the death of one and the danger to the other creates a spirit of sadness that cannot soon be eradicated.

The body of Mr. Coe was brought into the city, and on Friday after a funeral sermon by Mr. Irwin was escorted by a large procession, headed by the members of the Grand Army of the Republic, to the cemetery where it was interred.

Sequel.

On Thursday night a crowd of about fifty men, still laboring under the excitement growing out of the tragedy of Wednesday, entered the jail and having possessed themselves of the keys took Jackson Hackey and Harry Vann - on the brother who harbored the murderer and the other charged with furnishing provisions and aiding in his concealment, to the ravine near the poorhouse and hung them to a tree where their lifeless bodies were found next morning. So quietly was this done that few in the city except those who participated know of it until the next morning.

Benjamin Files, being first duly sworn, testified as follows:

MR. HASTINGS: What's your name? A Benjamin Files.

Q What is your postoffice? A Fort Scott.

Q Kansas? A Kansas, yes, sir.

Q Were you living there at the close of the war? A Yes, sir.

Q Were you living there in '66, December? A I have lived there ever since '62.

Q Did you know Dyer Hayford? A Yes, sir.

Q Had you known him before December '66. A Yes sir, I had known him in the neighborhood of two years before that and knew him up until that time.

Q Was he killed? A He was killed at Fort Scott.

Q Was he killed in the town? A He was killed just at the brink of the hill along in the mouth; yes, sir he was killed in the city just about the brink of the hill.

Q About what time of the day was he killed? A He was killed just after dark, just dark.

Q Do you know who killed him, who was said to have killed him, who was accused of killing him? A Yes, sir.

Q Who? A Eli Hackey.

Q Was he a colored man? A Yes sir, he was.

Q Did you assist in his arrest? Yes, sir.

Q Who arrested him? Myself and a man we called Deacon Jones.

- Q That this other man here with you? A Yes, sir.
- Q About how long after this reported killing? A I heard the shots fired, then run down there and run over him; I lit a match and this man drew his breath twice, from the time the shots fired I wouldn't it was more than twenty minutes.
- Q Twenty minutes? A Yes, sir.
- Q Had it become generally known at the time of the arrest? A No, sir.
- Q There was no time for the public to know? A Only a few people knew; I heard the shots fired myself and run down there.
- Q And a few people knew that the killing had taken place before he was arrested? A Yes, sir.
- Q And the excitement then, was that after that? A Yes, sir, they didn't have time to know it.
- Q Was he put in jail? A Yes, sir.
- Q You remember how long he remained in jail? A Till about the twentieth, sometime in February, both I think it was.
- Q Of February following, of '97? A Yes, sir.
- Q Well did he make his escape? A He got away.
- Q He got away? A Yes, sir, he got past the turnkey, Ed Coe.
- Q Ed Coe was the turnkey was not? A Yes, sir.
- Q I will ask you then if there was any searching parties out for this man? Yes, sir.
- Q For how long? I think he was killed on the 20th of March.
- Q From then about the 20th of February until the 20th of March people looked for him, a reward offered for him? Yes, sir, some three hundred dollars I believe.
- Q Well were there quite a number of people out searching for him? A Yes, sir.
- Q Considerable excitement at that time? A Yes, sir.
- Q Did people go out in the country looking for him? A Yes, sir, and searched houses and searched lands, they looked around for him, but failed to find him.
- Q Up until that time? Yes, sir.
- Q You say that was for about three weeks? A Yes, sir, something over three weeks.
- Q From the 20th of February up until about the 20th of March? A Yes, sir.
- Q Do you know whether this Eli Mackey was reputed to be a Cherokee or not? A Yes, sir, he was.
- Q I believe there was a newspaper account to the effect that when he was captured he was hung up there? A He was killed, yes, sir.
- Q What I want to get particularly from you was whether there was any search made for him at the time he was killed or whether search was made for him after his escape, after the 20th of February? A There was no search made for Mackey until he broke jail.
- Q No houses searched, nor no wagons, nor no nothing when he was first captured? A He was in jail. I don't think it was much over a half an hour, I don't think it was any; he was in jail in not much over half an hour after he shot Hayford; I heard the shot that killed Hayford.
- Q And you helped to arrest him? Yes, sir, I got to Hayford before he died, but he was too far gone; I lit a match and he was too far gone to speak.
- Q You had known Hayford prior to that time? A Yes, sir, him and me was friends.
- Q You was a friend of his? A Yes, sir.

H. C. Jones, being first duly sworn, testified as follows:

MR. HASTINGS: What is your name? A H. C. Jones.

Q What is your postoffice? A Fort Scott.

Q Kansas? A Kansas, yes, sir.

Q What is your age, please sir? A 66.

Q Were you holding any office in the town of Fort Scott, Kansas, in December of '66? A I was.

Q Well were you holding any office at the time a man by the name of Hayford was killed by Eli Mackey? A I was.

Q What office was that? A City marshal, called town constable.

Q You was a city policeman? A Yes, sir.

Q Did you assist in his first arrest? A I did.

Q Who assisted you in the arrest? A Mr. Benjamin Files.

Q This man that's present here? A Yes, sir.

Q Did you hear the shots that killed Hayford? A I did.

Q How soon after Hayford was killed was Mackey arrested, Eli Mackey?

A 20 or 25 minutes, inside of a half hour at most.

Q Very short time? A Yes, sir.

Q Had any houses or wagons or anything of that kind been searched in the mean time? A No, sir, there was no knowledge.

Q People didn't generally know it up to that time? A No, sir.

Q Put in jail then? A He was taken right to the jail as soon as he was arrested, he was hurried off to jail for fear of any mob violence.

Q Well how long did he remain in jail, do you remember? A Why I think something like six weeks or more.

Q Well the Fort Scott Monitor puts it about February 26th? A I presume that was right, it was correct. It was hard for me to remember exactly.

Q Well he remained in jail up to that time? A Up till that time, he was not out of jail except while he was under guard.

Q He made his escape then? A He made his escape, yes, sir, at the time.

Q You know how long he was at large? A Well I put it something like three weeks.

Q I will ask you if there was any searches at that time made for him? A You mean after?

Q When he got away after February 26th? A Oh yes, sir, there was considerable hunt for him at that time.

Q Reward offered for him? A Yes, sir, reward offered.

Q People searched around in the country for him? A There was quite a number of both officials and independent searches, they would search for him for the first couple of weeks of his escape from there.

Q He was afterwards captured was he? A Yes, sir, he was located afterwards, he hadn't been out of a radius of probably ten miles from there after he got away, he was captured.

Q Do you know whether this Eli Mackey was reputed to be a Cherokee colored man? A He was called a Cherokee refugee, yes, sir, had the reputation, that is his name, of being a Cherokee nigger.

COMMISSION: You are positive about these dates? A To the best of my knowledge now, I would have put it, that is, a week before the holidays, and I knew it was only a few days before Christmas when the killing was done.

Q '67? A In '66 the killing was done.

Q Few days before Christmas of '66? A Yes, sir.

MR. HASTINGS: The Cherokee Nation asks that all the testimony introduced in the case of Aaron Webber, D-216, with reference to the return of the Webber detachment, be introduced and made a part of the record in this case.

MR. BROWN: Comes now the agent for the applicant and moves the Commission to strike from the records of this case all the testimony taken on this day, for the reason that it is incompetent, irrelevant, immaterial and not the best evidence, it being purely hearsay.

COMMISSION: The request of the representative of the Cherokee Nation will be complied with, and the testimony ruled out. This testimony will be taken with and made a part of the record in the following Cherokee Freedmen cases: No. D-394, D-395, D-396, D-401, D-404, D-404, D-407, D-775, and in D-391, the same being the case at bar.

Arthur S. Croninger, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the testimony and proceedings in the above cases, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) Arthur S. Croninger.

Subscribed and sworn to before me this 14th day of May, 1902.

(Seal)

(Signed) Philip G. Reuter,

Notary Public.

I, Arthur G. Evans, a stenographer to the Commission to the Five Civilized Tribes, on oath, state that the above and foregoing is a true and perfect copy of the original now on file with the Commission, as the same was made by me.

Arthur G. Evans

Subscribed and sworn to before me this 23rd day of July 1902.

Philip G. Reuter
Notary Public.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., May 20, 1902.

In the matter of the application of Edward Wright for the enrollment of himself as a Cherokee Freedman.

APPEARANCES:

Ben J. Scoville, representing E. B. Lawson, for applicant.
W. W. Hastings, for Cherokee Nation.

COMMISSION: The Cherokee Nation, by its representative, makes satisfactory proof of service on the applicant's attorney that it would, on the 20th day of May, 1902 introduce testimony tending to disprove the right of the said Edward Wright to enrollment as a Cherokee Freedman. The applicant this day appears by his attorney, E. B. Lawson, who is represented by Ben J. Scoville, Nowata, Indian Territory.

MR. HASTINGS: The Cherokee Nation offers in evidence a decision of the Chambers Commission on Citizenship as found on page 57 of a book taken from the records of the Executive Department of the Cherokee Nation entitled, "Docket of the Chambers com'n on Citizenship," as follows

"No. 85 Edward Wright
vs.
Cherokee Nation. (Ex. 7th of June.
Answer filed.

Judgment against claimant June 27, 1879."

The Cherokee Nation also offers in evidence from the same record as above page 57 of the same, the following:

"No. 89. Major Wright
vs.
Cherokee Nation. (Ex. June 7th. Statement filed
on the 26 of June,
1st July set, 1st Aug.
set for trial.

Judgment against claimant June 27th, 1879."

The Cherokee Nation offers in evidence the application made for citizenship in the Cherokee Nation by Lewis Whitmire on the 26th day of June, 1878, as found on pages 164 and 5 of book B, entitled, "Citizenship record 1874," as follows:

"Before the Commission sitting at Tahlequah to try claims to Cherokee citizenship.

The undersigned claimant in the case of
Lewis Whitmire

vs

Cherokee Nation

respectfully presents the following statement of his claim according to the requirement of the Commission.

Claimant claims under classification five of claimants in the law creating this Commission, that is, as a colored person formerly a slave owned by a citizen and resident of the Nation at the

beginning of the late war, freed by law and made a citizen of this Nation by provision of the treaty of 1866. For

Claimant was at the time and place above said owned by George Whitmire, a Cherokee citizen, left the country during the war and returned in the summer of 1866 to select and prepare a home for his family (they then being without one) and again the following year prosecuting the work as his circumstances and the condition of the country at that time prevented and leaving his family in the intervals of time when they would subsist without discomfort and exposure and until a removal of them was practicable which removal of claimants finally was accomplished to the point of the Nation settled by claimants for theirs and his home in the spring of 1867.

Claimants rights have been called in question by competent authority, and he therefore presents them to the important examination of this Commission as are authorized so to do by law.

This June 26, 1873.

Lewis Whitmire,
By W. P. Boudinot, Atty."

The Cherokee Nation offers the following from the same book and continuing on the same page, the application of Moses Whitmire as follows:

"Before the Honorable Commission sitting at Tahlequah to try rights to Cherokee citizenship.

In case of Moses Whitmire

vs.

Cherokee Nation,
claiming Cherokee citizenship.

Claimant claims under the fifth specification of the clauses of claimants to citizenship as found in the law creating this Commission, to wit as a colored person formerly a slave owned by one George Whitmire, Cherokee citizen, resident of this Nation, at the beginning of the late war, and freed by law and made a citizen by provision of the treaty of 1866. Claimant respectfully refers to the statement by claimant Lewis Whitmire as embracing the facts which the present claimant would submit to the Commission as the basis of his claim.

Respectfully submitted,
Moses Whitmire.

June 26, 1873.

By W. P. Boudinot, Atty."

The Cherokee Nation offers in evidence from a book taken from the Executive Department of the Cherokee Nation entitled, "Register of evidence before court of Commission Chambers Court, Book A," page 279, case No. 60, as follows:

"Case 60.

Aaron Whitmire)
vs.)
Cherokee Nation.)

Tahlequah,
July 3, 1873.

Willie Fields a witness for claimant called and sworn.
I think I am about 47 years old. I live in Illinois
District, C. N. Am a citizen of the Nation. I have been on the
tribunal roll but had my rights proven up before the Supreme Court.

Am a citizen under the treaty of 1866. I went north to the state of Kansas in '62. I returned in August - 21st or 22nd, 1866. I left my family in Fort Scott when I came. I came down to get me a claim. I staid about three weeks that time, and then returned to Fort Scott. After I returned to Fort Scott there were others who started down, the Whitmires were of that number. The claimant was one of them. They came down in Decr. 1866. They returned to Fort Scott before I left there. I left Kansas about the 2nd week in January, 1867 and got to the crossing of the Neosho river about the last of January. When I first come down there was about 15 in the party. They left their families in Kansas when they came down here. There was some of party come with the Whitmires who piloted the Whitmire party and my party were Sam Webber, Mike Daniels, Sam Webber, Jr., Aaron Webber, Reubin Sanders, Tuck Sanders.

The Whitmire proper were Aaron, Lewis, Moso, Dennis and Nelson Whitmire and others that I do not recollect. The object of this party coming was for the purpose of creating homes. When I moved with my family I stopped on Pryors Creek at Mrs. Alberty's and remained about two weeks. The reason we left that part of the country was because that part of the country was too sparsely settled and bare of subsistence. As I was coming down the first time we were overtaken by the Cherokee Delegation. They were some who come here were authorized by others to look to claims for them, one was by MeKey requesting Abe Fields to locate for him. The original request filed.

Cross Examined.

I can not remember the date I arrived here the first time from Kansas. The claim we made I got three sets of house logs, hauled them and piled them up, and some of the men put up houses, I did not put up a house. I started back to Kansas about the middle of September. When I first left the country it was in February, 1862. I was a slave before the war and was owned by Sam Taylor when the war broke out. He was living on Greenleaf near Bushy Mountain on this side of Arks. River. When the Whitmires returned to Fort Scott I do not know when they left there to come to this country as I left there when I left. It was reported when they returned to the Nation that the Whitmire party had built houses. But I do not know this myself as I was not along. I only heard they had. The War closed in 1865 I think. I did not know it myself but people told me who could read.

I do not know myself that it was the month of Aug. When I come here first, but I was told it was that time.

Re Direct.

It was the December following the time I first came down that the Whitmires come down first to select and improve claims.

Nick x Fields.

his mk.

| | | |
|-------------------|---|--|
| Aaron Whitmire | } | |
| vs | } | August 1, 1878. |
| Cherokee Nation. | } | Bluford Alberty, witness for claimant, |
| called and sworn. | } | |

I reside in Cooveescoowee District, C. N. I am a native Cherokee citizen. I left the Nation during the war. I returned to the Nation on the west side of Grand River, Cooveescoowee District.

on the 3rd of Sept. 1866. I had occasion some time in the last of October or the first of Nov. or probably it might have been as late as the middle of November, to go to the Verdigris. While out there I fell in with a party of seven or eight persons who were with others near Sam Crouches. I did not go to the camp, but were colored people. I knew most all of them. Their names were Sam Webber, Aaron Whitmire and a younger brother and Lewis. I

There was another person whom I was told was a Lakota. I no recollect any of the others and cannot identify them. The Whitmires were Johnson and George Whitmire, Aaron being the one who belonged to George. In conversation with Sam Webber he asked me if I knew anything about the treaty and if Jim McDaniel had seen it. I told him I had not seen the treaty but had heard rumors about it. He told me they had come to pick themselves homes at that time and that he was the leader of the company and the reason why Wright did not come was that he was an old man, but that I should go down to work for him and make him a claim. I told him that there was to get provisions over on the other side of the river and if they would go there they would get provisions. He told me that they had come down to build their homes and that they were notified to come, and that they had come to make claims for themselves and the other people who were in Kansas. As near as I can recollect it was in the month of October or November that I saw those parties. It was a cold weather at the time. I recollect as I stepped out in the morning not see any of these parties after this time May 1867. There were no provisions to be had in this country at that time, provisions were very scarce. It was my understanding that they had come to prepare homes for themselves and families. They told me that Major Wright belonged to Cornelius Wright before the war.

Cross Examined.

I heard after this some of them went back to Kansas. At the time I meet them I do not know whether their families were with them. I think I seen Dennis Whitmire with this party, but not any of the boys. They were owned in the Nation and resided here before the war.

B. V. Alberty.

Aaron Whitmire

Cherokee Nation.

I know Melissa Ratliff. She was twelve or thirteen years old at the close of the war.

She was living with me then and still is. She was one of the band above referred to. I learned from our leaders Uncle Mike and another that they advised us to settle in a compact body. We crossed the Neosho in coming down at that time. The chief ferryman who crossed us was a man named Lightning Creek in 1866 I saw him in conversation with him, but Sam Webber had in the

Cross Examined.

I am a claimant before this court for citizenship. I am half-brother of Aaron Whitmire, Louis, Dennis and Nelson are also my brothers. Mariah Whitmire is my sister. Major Wright is my stepfather. The names of the party that came with me to the Nation are as follows: Mike Sanders, Sam Webber, Peter Heigs, Bill Foreman, Tuck Sanders, Ransom Daniels, Sam Webber, Jr., Louis Whitmire, Nelson Whitmire, Dennis Whitmire, Aaron Whitmire, is all I can recollect now. Witness and my brother were authorized to make claims for others still back in Kansas. Dennis made a claim for Major Wright. I can't name any others. Witness was born of family in 1866 when we came on from Kansas. My family was at Fort Scott. Melissa Ratliff, Ed Wright, and my wife and myself composed my family. Louis had no family. Aaron and Nelson did. Major, Sam, Nelson and Allen were Aaron's children and his wife, Sarah. They were left, the wife and children in Fort Scott when we came in 1866. Eliza Sanders, Thos. Sanders were Nelson's family and back at Fort Scott. We went back 1st January 1866 to Kansas after coming to the Nation. When witness returned in 1867 to the Nation Aaron, Louis, Nelson, Dennis, Ransom Daniels, Tuck Sanders, Peter Heigs and the families of those who had families all come as I did besides others not particularly remembered. This was the first time any of our families had been to the Nation, at least mine, Aaron's and Nelson's.

The first time Mariah Whitmire was in the Nation after the war closed was after our parties returned in families in 1867.

The first time Major Wright returned was on our first trip in 1867. Melissa Ratliff was owned by one Alce Ratliff at breaking out of war. She first came in March 1867. Jack Landrum was along in 1866. He was a slave at the beginning of the war. I was present during the examination of Mr. Alberty as a witness in this case.

Re Direct.

Mariah's family at the close of the war was a separate family. Harry Whitmire, her son, represented his mother on the first trip in 1866. Witness is about 53 yrs. old. Major Wright was an old man at the close of the war. Louis Whitmire had been back to the Nation before 1866.

Attest

D. L. Nicholson,
Clerk.

his
Mark Whitmire.
mark.

Case 63.

Aaron Whitmire & family)
vs)
Cherokee Nation.) Claiming citizenship.

Now comes claimant by Atty before the Commission sitting at Tablequah to try certain claims for citizenship in the Cherokee Nation and makes this his statement of his grounds for said claim to wit-

Claimant is a colored person and claims as aforesaid under privilege of the fifth specification of the classes of claims preferred by law to the Commission to examine and decide rights by competent authority having been denied citizens.

Claimant belonged to Gen. Whitmire a Cherokee citizen at the commencement of the war of the rebellion and was then living in the

I crossed them over the river. I set some of this same party back over the river a short time after they had come in, Lewis, Nelson and Dennis Whitmire and Little Sam Webber and I think they were some who crossed back but I can not place them now. I learned the names of the parties from conversation with them, but did not become particularly acquainted with their names at that time. I think there was one woman with the party. I think she was Little Sam Webber though I would not be right positive that there was a woman along or not. I was positive there was no children as I never seen any. They had camped there long enough that were they any women and children I would have known it. The next time I saw claimant was in the fall of 1867 on Big Creek. I learned from them that they had got there in March 1867. I know this from having heard it generally talked amongst themselves.

Re Direct.

At the present time the distance between our two settlements is about 5 miles. I recognize the claimant and the other parties spoken of. I have been there frequently since that time. I set them over the river. When I saw them in the fall of 1867 they had their families with them then. The means of subsistence at the time I crossed in the country at that time was short.

William Martin.

Aaron Whitmire

Vs

Cherokee Nation.

July 4th 1873.

Wm. McCracken for Claimant.

Witness met claimant near Fort Gibson in Novr. or Decr. 1866. Met him at the ferryboat on Grand River.

Witness had a conversation with claimant at the ferry in which claimant said he was on his way to Going Snake his former home in the Nation and seven of claimant's brothers were behind on the road. Witness is a citizen of this Nation and knew claimant before the war.

Attest:

D. L. Nicholson, Clerk.

Wm. McCracken.

Aaron Whitmire

Vs

Cherokee Nation.

Bluford Alberty.

George Whitmire before the war lived in Going Snake Dist. This Dist. borders on the line of the state of Arks.

Claimant now resides near the western line of the Cherokee Nation. The settlement before the war was spared where claimant now resides. I would say the distance from where George Whitmire resided prior to the war, and claimant's present residence is 90 or 100 miles. Witness states that he had a conversation with Sam Webber in which Webber assigned as a reason for settling there he had was that Agent Jones advised the colored people after their freedom to settle in colonies or as thickly as it was convenient to do in an unoccupied part of the country.

This was thought best for the colored man as they could have their own schools as until matters were more regulated in the country. The first conversation was in the fall of 1866. The second conversation was in the spring of 1867. I saw several of their families in May, 1867 on Big Creek or Lightning Creek in the Nation.

The home of claimant is in the same locality as that at the time mentioned above. In Oct. or Nov. 1866 I gave claimant and other colored men permission to occupy two old fields in that neighborhood for the purpose of raising crops the year following. Louis Whitmire is the name of the other man. I also permitted to go on one old field. The spring of 1867 I saw Aaron and Louis Whitmire at work on the two fields spoken of. Their settlement of colored folks is in the character of quiet industrious and law-abiding citizens as much as any in the Nation. Some of these people have large and good farms and trade by themselves since the war.

Witness with a party of six gentlemen in the Fall of 1866 saw this colored party who settled on Big Creek afterwards in the neighborhood for the purpose as they held the title of collecting their homes. Several claims was then in sight of witness which the colored party said they had selected and are now the homes of the party above indicated.

Agent Jones was at the time advising this colored party. A Delegation for the Cherokee Nation at Washington. There were parties as witness learned from one of them who wished to camp or drive off from their claims this colored party at the time they were prospecting the country. This was advised against by witness and it was not done or carried out. Witness' party spoken of above was composed of Cherokee citizens except one colored man. I am the sole survivor of this party except the colored man and possibly one or others. Occupation of witness is handling wild cattle. I travelled a good deal in that neighborhood at that time spoken of.

Continued on page 235.

Aaron Whitmire et al

July 18th 1878.

vs

Cherokee Nation.

Joan Riley,

sworn as witness for Deft. I live in

Georgetown Mich. I first moved there in 1858 and have continued to reside there except in time of war. I came back in the month of August 1866 to the Nation. I knew Aaron Whitmire. He returned or came to the Verdigris River to live in the month of March 1867. Also came at the same time yet a Neige, Mike Sanders, Sam Souter, Billy Foreman, with their families and others whom I don't recollect. Claimant made a crop that spring in 1867 on an old place of Aaron Whitmire. He had settled no other place before that.

Gross Examined.

I don't know of any colored heads of families coming in to the Nation in the month of Decr. 1866 to locate homes but I know of some who come in Sept. '66 for that purpose. I knew where Aaron Whitmire lived at this time. I was near Goody's Bluff in Decr. '66. I live on the west side of the river. Claimant lives and settled on the east side of the river. If any heads of families came in Decr. 1866 I never heard of them. I never knew of Bluford Alberty being in the part of the country in 1866 in the party who came down in Sept. 1866. Aaron Whitmire was not along but Mike Sanders, Sam Webber, Colburn & perhaps Billy Foreman. Moses was not along. Dennis was not along as I know of nor Mariah nor Major Wright nor Nelson Whitmire that I know of. If any such party had come down in Decr. 1866 I think certainly I would have known it.

Joseph Riley.

Samuel Riley.

(Page 235)

About the middle of May 1867 I first saw this party with their families at their new homes. Claimant and others of this colored party told witness that they returned in March 1867 to the Nation.

Be Direct

I learned from John Coker that most of this colored party returned to Kansas after their families and a few remained. I was at General Convention of the Colored People in 1866. It was witness' understanding that the purpose of said convention was to ratify the treaty of 1866. I think the object of the convention was to ratify amendments to the Constitution under the treaty and to ratify the treaty. The treaty was concluded the 9th of Aug. 1866 in my information. It might have been July 19, 1866.

Witness went south during the war. J. B. Jones was not at the time herein mentioned U. S. Agent but was a Delegate and was Agent afterwards.

B. V. Liberty.

Attest

D. L. Nicholson,
Clerk.

Aaron Whitfire
vs
Cherokee Nation.

Tahlequah May 16, 1878.

This day comes John F. Lyons Atty for Cherokee Nation and denies all and singular the allegations of claimant contained in the above named case.

John F. Lyons,
Atty for C. N."

Arthur G. Croninger, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the proceedings in the above case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) Arthur G. Croninger.

Subscribed and sworn to before me this 2nd day of June, 1902.

(SEAL)

(Signed) P. G. Reuter.

Notary Public.

I, Arthur G. Evans, a stenographer to the Commission to the Five Civilized Tribes, on oath, state that the above and foregoing is a true and complete copy of the original now on file with the Commission, as the same was copied by me.

Subscribed and sworn to before me his 15th day of Aug., 1902.

Arthur G. Evans
Notary Public.

Department of the Interior,
Commission to the Five Civilized Tribes,
Washington, D.C., May 22, 1902.

In the matter of the application of Charles W. Smith et al for
enrollment as Cherokee Freedmen.

TESTIMONY IN BEHALF OF AFFIDAVANTS.

SUPPLEMENTAL TO B-314.

APPEARANCES:

Lewis P. Brown, representing Mellette & Smith, for applicants.
V. W. Hastings for Cherokee Nation.

JOHN J. ROSE, being first duly sworn, testified as fol-
lows:

MR. BROWN: State your name? A John J. Rose.

Q What is your age, Mr. Rose? A About 53 near as I can guess at it.

Q Postoffice address? A Lonepah, Cherokee Nation.

Q Do you know Charles C. Smith? A I do.

Q Do you know his wife? A I do.

Q What is her name? A Jane Smith.

Q Did you know her mother? A I did.

Q Did you know her mother in the year '66? A I did.

Q What was her name at that time? A Tilda Colbert, Matilda Colbert.

Q What was her husband's name? A Lorenzo Colbert.

Q Where did he live during '66? A My first acquaintance with him
was in '65; they lived in Lawrence, Kansas.

MR. HASTINGS: Where were you married? A In Lawrence, Kansas.

Q What year? A '67.

Q Who did Matilda first marry? A First knowledge of my knowing of
her marriage was Lorenzo Colbert.

Q Well hadn't she married Lorenzo Colbert long before the war? A I
don't know; I didn't know them before the war.

Q Did she have a son by the name of Colbert? A No, sir.

Q James Colbert? A There was a son that's named James Colbert
after the stepfather.

Q Well wasn't he born before the war? A Yes, sir.

Q Well when did Lorenzo Colbert die? A I couldn't tell; he died
somewhere about Colbert Station in the Choctaw Nation.

Q When? A I don't know.

Q Did you know William Rose? A I did.

Q Did Matilda marry William Rose? A She did.

Q Where did she marry him? A She married him in Topeka, Kansas.

Q How long had she been in Topeka when she married him? A I ex-
pect somewhere in the neighborhood of six months.

Q She went from Lawrence to Topeka? A She went from Lawrence,
her and Colbert, to the Nation, or left there to go to the Nation;
I didn't go with them.

Q But you saw them in Topeka not long after that? A About a year
and a half; she was down here about a year and a half.

Q Well you weren't here? A Wasn't in the Nation, no.

Q But you saw her next in Topeka? A After she left Lawrence?

Q Yes, sir. A No, I didn't.

Q Where did you see her next? A Saw her in Lawrence.

Q Well after you saw her at Lawrence you saw her the next time
over at Topeka? A Yes, sir.

Q That's the second? A Yes, sir.

Q Was she living with William Rose? A She was living with William
Rose in Topeka.

Q Was she living with William Rose when you next saw her? A No, she wasn't married to William when I next saw her; she came there and married William while she was there.
 Q Did she and William separate there? A Yes, sir, I don't think they lived together over sixty days.
 Q Where did Matilda die? A She died on California Creek, Cherokee Nation, three and a half miles west of Lenepah.
 Q Matilda own some property in Topeka? A No, sir.
 Q Where did Charles Smith marry his wife? A Charley I think married in Topeka; I wasn't at their wedding, but I learned that he married her.

CHARLES SNOW, being first duly sworn, testified as follows:

MR. BROWN: State your name? A My name is Charles Snow.
 Q What is your age, Mr. Snow? A Seventy.
 Q What is your postoffice address? A Lawrence.
 Q Were you living in Lawrence, Kansas, in the years of '83 and '84?
 A Yes, sir.
 Q During those years were you acquainted with a man by the name of Lorenzo Colbert? A Yes, sir.
 Q Were you acquainted with his family? A I know his wife.
 Q What was he, a colored man or a white man? A Well he was a black man; I called him a Cherokee nigger.
 Q When did Lorenzo Colbert leave the vicinity of Lawrence, Kansas?
 A That I couldn't tell.
 Q When did you see him in that vicinity for the last time? A In '83 I think it was; in fact I know it was in '83.
 Q How close did he live to you? A Not very far away.
 Q You never saw him then in or about Lawrence, Kansas, after the year '83? A Not that I remember of I didn't.
 MR. HASTINGS: You was called upon to specially notice the time he left? A No, sir.
 Q This has been now thirty-six years ago, and you had nothing at all to call your attention as to when he left did you? A No, sir.
 Q You didn't say when his wife left did you? A No, I don't.
 Q You don't know when she left there? A No, I don't.
 Q You only had reference to her former husband? A Yes, sir.
 MR. BROWN: In what kind of business were you engaged in '83?
 A Baker business, groceries and baker, together.
 Q Colbert's family used to trade with you, didn't they? A Yes, sir, they did.

DAVID LOGAN, being first duly sworn, testified as follows:

MR. BROWN: State your name? A David Logan.
 Q What is your age, Mr. Logan? A I am 63 years old.
 Q What's your postoffice address? A South Lawrence, Kansas.
 Q Were you living in the vicinity of Lawrence, Kansas, during the years '83 and '84? A Yes, sir, I came the last time to Kansas in September, '83, and to Lawrence, Douglas County.
 Q How long did you continue to live there until you went away? A Oh, in that vicinity, the spring, along from in the spring of '83, I went to the farm and went to working out three miles from town the other way.
 Q Three miles from Lawrence, Kansas, you mean? A Yes, sir. I haven't been out of Douglas County to live in 37 or 38 years.
 Q During those years did you become acquainted with a colored man by the name of Lorenzo Colbert? A Yes, sir, he was a blacksmith.

Q Were you acquainted with his wife? A Oh, yes, I was acquainted with his wife.

Q Do you remember her name? A Well, sometimes I remember names and sometimes I don't, but I come the best at her name by knowing she was a sister of Rachel Bean's; she was a bigger woman than Rachel; Rachel was a little woman; I forget the name; I would know the name just the minute I would hear it called; but then I knew she had three children I believe.

Q Do you remember any of their names? A Well I think the oldest daughter was named Matilda.

Q Do you know when Lorenzo Colbert and his family left the vicinity of Lawrence, Kansas? A Well I couldn't give you the dates on that, but along in the summer, I went to work to Robinson's.

Q What year now? A '86.

Q Go ahead now? A And when I come back by there going to that farm one day it looked like everybody had moved camp; there was but one or two state colored people. They was known as Injun niggers and State niggers; all them Injun niggers in the neighborhood up there was cleaned out; Peter Bean's wife and he was both gone too, but they both came back again afterwards. I never seen them niggers since and haven't yet.

Q How long did you continue to live in and around the neighborhood of Lawrence, Kansas, after the year '86 before you went away? A Oh, up until now.

Q Did Lorenzo Colbert and his family live in that vicinity after the year '86? A If they did I never seen them.

Q You are well acquainted with the people that lived in and around there at that time? A Yes, sir, I knowed about every man they was in the neighborhood; there was more colored people at that time on that street, it was Walnut Street, than there was white folks.

MR. HASTINGS: Was this after you went out on the farm that you missed them? A Well I missed them the same season after I went out on the farm, and I was on the farm lying east of town, but when I went out on the farm I went northwest of town to Robinson's farm.

Q Now you testified that you went out on the farm in the spring of '87? A But then I went backwards and forwards on both, because I was the man for both places.

Q All you know about it is that you missed these people from up there where they had been living? A Oh, yes, I missed them from where they had been living.

Q Now can you tell me when you missed them? A Sometime in '88, but I told you that I couldn't tell you the dates when I missed them.

Q You don't know where they went to nor nothing about that? A No, sir, I heard they went to the Nation, but whether or not they did I couldn't say.

Q You heard Buddie Brown say so there and John Rose say so? A I knowed John Rose when he was a boy.

Q Did you know him when he married up there? A No, sir, I don't know he married; he worked for a man by the name of-

Q How would you account for him marrying up there in Lawrence, Kansas, and they not being there? A I don't know as I-

Q In '86, if the record shows that he was married there in '87 she must have been there? A She must have been there, but I never seen her.

Q How big a place was Lawrence at that time? A Lawrence is scattered over a right smart of town, but there wasn't a good many houses in it.

Q Did you ever hear about them going up to Topeka? A Them going up

to Topeka? Her mother moved up to Topeka.

Q Do you remember a man by the name of Barthlow in Lawrence; was she working for him there when she married? A I don't know that.

Q Well you heard of the fact of their marriage? A I heard they was married, but I didn't know they married, but I didn't know they married in Lawrence. I didn't know where they married at.

Q That was before they left there? A I didn't know it.

Q Well you heard of the fact of the marriage before they left? A I heard of their marriage, but I never knew he married that woman till this morning, that girl.

Q Well that was after you heard of their marriage that these people left that country? A No, it wasn't after they had gone, I never knewed about John marrying her. John surely was working there in Douglas County, surely must have been.

Q You never heard of their going over to Topeka I think you said? A I heard her mother went to Topeka, but whether they went there and stayed or whether they didn't I couldn't tell you.

MR. BROWN: You were subpoenaed here by the Cherokee Nation, were you not, Mr. Logan? A Well I don't know how I was subpoenaed. I was subpoenaed in a shape that I can't get back home.

Q Who subpoenaed you? A Well I thought I had the subpoena, but I guess I lost it.

Q A man by the name of Keys? A Keys, yes, sir, he was a marshal, he told me he was a United States marshal, and I asked a man about it when he was gone, and had asked if I told him I wouldn't go or couldn't, and I told him no.

MR. HASTINGS: Well that didn't make any difference.

Witness: I told him I didn't have time, and he told me I would have to go anyhow; I didn't want to go.

SAM WEBBER, being first duly sworn, testified as follows:

MR. BROWN: State your name? A Sam Webber.

Q What's your age? A About 55 somewhere.

Q Your postoffice address? A Nowata.

Q Are you a recognized citizen of the Cherokee Nation? A Yes, sir.

Q Is your name on the Authenticated Roll of 1880? A Yes, sir.

Q Do you know Charles G. Smith, the applicant? A Yes, sir.

Q Do you know his wife? A Yes, sir.

Q Do you know her name? A Yes, sir.

Q What was her mother's name? A Her name was, we called her Aunt Tilda Dannenberg.

Q Do you know what her name was before she went by the name of Dannenberg? A That's the name I knowed her by.

Q Do you know what her second name was? A She went by the name of Tilda Lacey before she died.

Q Do you know when she returned to the Cherokee Nation after the close of the war? A I don't know just what month she returned; I know when I seen her.

Q Please state when it was? A Why I saw her along just about Christmas in '65.

Q Now Mr. Webber go ahead and state the circumstances of your seeing this woman at that time, and what, if anything, you done? A Why I went down to Lightning Creek, and I live about did live about ten or fifteen miles from Lightning, and I went down there to see this Harry Still, and I heard she was there when them there, she had got a little claim, this claim that Harry Still bought from them after-war-men, and she was there, her and her children.

Q Who else was there? A Why, see Henry Still and Mariah Hayden, and we used to call Aunt Mariah's daughter Fann then was all the name I knowed her by.

Q What's her name now? A I declare I never could give any name only Fann.

Q What's her husband's name? A Buckner.

Q George Buckner? A Yes, sir.

Q Anyone else there? A Why this Andy Rider was there, and this Smith's wife.

Q Charley Smith's wife? A Yes, sir, and her sister, and a little boy we called Jim.

Q Do you know John Rame? A Yes, sir.

Q Do you know his wife? A Yes, sir.

Q Was she there? A Yes, sir, she was a girl then.

MR. HASTINGS: If Mariah Hayden testified before the Chambers Court in her application or set forth in her application before the Chambers Court that she never come here till '97 when she made application in '98, she was mistaken then was she?

MR. KNOWN: Wait a minute; it is objected to for the reason that it is assuming a fact not proven.

COMMISSIONER: Objection will be noted; answer the question, Mr. Webber.

Witness: She must have been mistaken if she testified that.

MR. HASTINGS: When were you married? A I was married along after Christmas.

Q What year? A '97.

Q How long after Christmas? A Why it wasn't long after, not very long after.

Q What women come down with you in the fall of '97? A In the fall of '97?

Q Yes, sir. Was there any woman? A Yes, sir, let me see now, if I could tell you; there was a girl they called Celia Fox.

Q Anybody else? A And Dick Thurman's daughter, they called her Hannah.

Q Who else? A And then there was the Sanderses women, and the Moignes women.

Q Well was Pete Sanders down here before? A Yes, sir, he was too, I know he was.

Q Well then you come as he come did you? A Yes, sir, and he come as I come.

Q All come along together? A All come along together.

Q And that was in the fall of '97? A Yes, sir, we come in the summer, and went back, and then come again, then come again in the fall.

Q You went back and come back in March of '97? A I went up there and married.

Q Well I will ask you if it is not a fact that not a single woman nor a single child come here and located north of the Frisco Road and east of the M. K. & T. in the winter of '98; did you have a house up there? A Yes, sir.

Q Were you living in your house? A I built a house in the summer when I come down here.

Q Was Aaron Wright living up there? A No, he wasn't living there; he come, well he come down and lived there after we moved there.

Q Well but was he living there on Lightning Creek near Mariah Whitmire when you went over there and when you saw this woman? A Oh, when I saw that woman he was living there.

Q He was living there was he? A He moved there in the spring; he lived on the place where Jim Martin lives now, just right in the neighborhood, and made a crop on the old farm there without any fence.

Q What spring was that? A In the fall of '87 he moved down to Lightning Creek.

Q But when did he move to the Cherokee Nation with his family? A Aaron Whitire.

Q Yes, sir. A Why he came in the winter.

Q Well of what year? A Along in '87 when Aaron Wright come.

Q Well what time in '87? A In the winter.

Q Well was it in the early winter or was it in December; was it January of '87 or was it in December of '87? A I went back up there and married and then he come down just after that and been there ever since.

Q Well when did Lewis Whitire come? A Come with us.

Q Come along as you come did he? A Yes, sir.

Q Then you come as Lewis come? A Yes, sir.

Q Did you come as Mose Whitire come? A Yes, sir, he was one of our crowd.

Q And Reuben Sanders come at the same time? A Yes, sir, he was one of our crowd.

Q Whenever they come you come? A Yes, sir.

Q I mean when they moved their families, is that the time your families came; that is your father's family? A Yes, sir, that's what I am talking about.

Q And it was after this then that you saw this woman that you spoke of, this Dammenberg or Matilda Dammenberg, it was after that, was it? A That was before that, before I married, you know.

Q It was before you married? A Yes, sir.

Q That you saw her? A Yes, sir.

Q But it was after you had come down here? A Of course.

Q Well it was after these women had come down here? A Yes, sir,

Q And it was after Lewis Whitire had come down with his family? A Yes, sir, Lewis had no family then.

Q Well it was after Mose had come with his family? A Yes, sir.

Q It was after your folks had come? A Father had no family only we boys.

Q Well it was after you had all come? A Yes, sir.

Q Mariah Hayden was down here at that time? A Yes, sir, she was down there.

Q They were all down there, were they? A Yes, sir.

Q Do you belong to the Freedmen's Protective Association? A Yes, sir.

Q Are you one of the committee that's been around here for two or three months representing the Freedmen? A I stays here all the time.

Q I will ask you if you ain't a member of the committee down here representing them and looking after their interests? A I am here looking after all that I witness for.

MR. BROWN: Uncle Sam, you are on the roll of 1880? A Yes, sir.

Q Lewis Whitire, Mose Whitire, Aaron Whitire, Reuben Sanders, are on the roll of 1880? A Yes, sir.

MR. HASTINGS: The Cherokee Nation asks that the testimony introduced by the Cherokee Nation in the case of Ed Wright, the same being Freedman Docket #12, as to the time of the return of the Whitires, also the testimony of Aaron Webber, together with the testimony introduced by the Cherokee Nation in the case of Aaron Webber, being F. B. #12, be introduced and made a part of the record in this case. The Cherokee Nation also asks that the testimony of Reuben Sanders, as well as all of the testimony introduced by the Cherokee Nation in the case of Elizabeth Meigs, the same being

Freedman Exhibit 201, be introduced and made a part of the record in this case.

EXHIBITION: The above testimony and proceedings will be filed in the following Freedman cases: B-614, the same being the case at bar, that of Charles C. Smith; B-615, John J. Smith; B-616, Emily Smith; B-617, Pearl Smith; B-618, Matilda Smith; B-619, Elvira Smith; B-620, Sara Smith; also in Charles Freedman cases B-621, B-622, B-623, B-624 and B-625.

Arthur W. Croninger, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the testimony and proceedings in the above case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

Arthur W. Croninger

Subscribed and sworn to before me this 1st day of July, 1902.

(Seal)

H. B. Ruster
Notary Public.

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to a firm but without giving it the right to sell or lease the property. The Bureau has no authority to sell or lease the property to the Government for the purpose of conducting the investigation. The investigation will be conducted by the Bureau.

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THE UNIVERSITY OF CHICAGO

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 21, 1903.

In the matter of the application of Jane O. Smith for the enrollment of herself and children as Cherokee freedmen.

Applicants appear by Mellette & Smith; Cherokee Nation by J. S. Davenport. Testimony in behalf of applicant

Frank Ross, being sworn and examined, testified as follows:
By Mr. Smith: State your name? A Frank Ross.
Q How old are you? A 54.
Q Where do you live? A On Lightning Creek, Cherokee Nation.
Q You know Charles O. Smith? A Yes sir, I know him.
Q Do you know his wife? A Yes sir.
Q What is her name? A Jane.
Q Where do they live, Mr. Ross? A They live up on Hickory Creek, the last time I was up there.
Q In the Cherokee Nation? A Yes sir.
Q How long have they been living there? A They have been living there a good long while.
Q A good many years? A Yes, over 21 years.
Q Who was Malinda Dannenberg? A His girls' mother.
Q The mother of Jane? A Yes sir.
Q When did you first see Malinda Dannenberg after the war? A In the winter of '66 on Lightning Creek.
Q Was it before Christmas? A Yes sir.
Q Was it in December or November of '66, or do you know? A In December of '66, along about the first of it.
Q Who did she have with her? A She had three children with her, a boy and two girls.
Q Who were they, name them? A Jane, Jim, I forget the other one name right now.
Q Was that the wife of this man Charles Smith? A Jane was the wife of Charles Smith. The other one is named Emma.
Q Who did she marry? A She married a man by the name of Rose.
Q What Rose? A John J. Rose.
Q What is her present name, what name does she go by now? A She married another man, I don't know his name.
Q Would you know it if you were to hear it? A Yes sir.
Q Was it Nolan? A Yes sir.
Q Her name is Emily Nolan? A Yes sir.
Q Where did you see them? A On Lightning Creek.
Q What were they doing there? A They were camped there.
Q Do you know how long they continued to stay there? A They were there when I left.
Q How long did you stay there? A I stayed there about four or five days.
Q Did you see them anymore after that? A I saw them after that about four or five years after that.
Q Not until four or five years after that? A Yes sir.
Q Where did you live at that time? A I lived on Brice's Creek part of the time.
Q I mean at that time where were you living at the time you saw these people? A I was living on Brice's creek.
Q That is how far from Lightning Creek? A About 25 or 30 miles.
J. S. Davenport: You are a freedman citizen of the Cherokee Nation?
A Yes sir.
Q You have been a witness in several of these claimant cases, freedmen cases, haven't you? A Yes sir.

2- Jane C. Smith et al.

Q Well now, how old were you when the war closed? A I was about twenty, I guess.

Q Where were you living at the close of the war? A I was in the army at the close of the war. I was mustered out in '65.

Q Where were you mustered out? A At Leavenworth, Kansas.

Q What regiment did you belong to? A 7th, Company E.

Q Had you known this Matilda Bannenberg before the war? A No sir.

Q You first met her on Lightning Creek? A Yes sir.

Q Who was living with her? A They were in a camp there.

Q I asked you she was living with her when you saw her? A Her children, thr ee children.

Q Any men folks? A Harry Still.

Q Did they have a home there of any kind? A They did not have no home at that time, they just came down from Kansas then.

Q Do you know how long they stayed there? A Some of them is there yet.

Q Which some of them is there yet? A Mrs. Hayden and Harry Still is there.

Q Which of the people have continually resided there from '65 until the present time? A Jane and Jim and all of them.

Q Have they resided in the Cherokee Nation ever since '65, are you able to say they have? A Every time I saw them they were there, they never were out.

Q Don't you know they have lived out? A No, I don't know.

Q Don't you know John Rowe and Emily were married in the State of Kansas? A No sir.

Q Did you know her before? A Yes sir.

Q Before they were married? A Yes sir.

Q How many years did you see her before she and John were married? A Ten or fifteen years.

Q Before Emily Bannenberg and John Rowe were married? A Yes.

Q You are sure? A Ten or fifteen years.

Q Did you ever see Emily before the war? A I told you I didn't know them before the war.

Q You think it was at least ten years after the war before she and John were married? A I guess so.

Q Do you know anything about it? A Yes sir.

Q If you know anything about their marriage you know they were married in '67? A I didn't see them when they got married.

Q The record of the Court shows they were married in '67? A I wasn't there when they were married.

Q It could not have been ten years from the time you saw her when she and John were married, could it? You don't remember a thing about that until you were called on at the trial end of this business? A Yes sir.

Q Why, don't you know they were married in '67? A Because I wasn't there.

Q Were you living on Lightning Creek when they were living there? Mr. Smith: I object to that.

Commission: Answer his question.

A All the folks that were living there knowed I was living there.

Q They had a name, who were they? A Mose Wright, Nelson Murrell.

Q Was Nelson Murrell living on Lightning Creek in '66? A Nelson Wright and Lewis Whitmore were living there.

Q They do not claim to have lived on Lightning Creek until after '66; they were living on Big Creek then? A They had built their houses there in '66.

Q They claimed to have built a house there in 1866, does their testimony show that? A I never seen their testimony.

Q Don't you know they claim they came down here in the fall of '66 and stopped on the Verdigris and made a crop and then came over on Big Creek and then in '67 came to Lightning Creek? A I don't know, it was '66 when I seen them up there.

Q Where was Charles Smith and his wife married? A I don't know.

Q Did you ever know them before the

3- Jane S. Smith et al.

- Q Where were they living when they married? A I don't know.
- Q Did you ever know them before they were married? A Yes sir, I knew the girl.
- Q What was the girl's name? A Jane.
- Q Where did you know her? A I knew her on Lightning Creek and on the bend, in there.
- Q What bend? A Goose-neck Bend.
- Q It is some distance from Goose-neck Bend to Lightning Creek? A About fifteen miles.
- Q How big a girl was she when you knew her? A She was a big girl about 17 or 18 years old.
- Q Was she living in a house up there? A She was living in a tent when I seen her.
- Q How often did you see her? A I saw her lots of time. I never saw her but once in '68.
- Q How long after that until you saw her again? A About four or five years.
- Q They weren't living in a house when you saw them first? A They were living in a house then.
- Q You never seen her until after '68? A I hadn't seen her until I saw her after that.
- Q When did you see her when she was living in a house? A It was along about '73 or '4.
- Q When did you see her mother, Matilda; was her mother living in the Cherokee Nation, living in a house? A I saw her living in a house along in '70.
- Q When did you see Emily Nolan living in a house in the Cherokee Nation? A I saw them living with their mother.
- Q How did it happen that you were going through that country in '68 and remember seeing those people in a tent? A I was hunting a place.
- Q In '68? A Yes, and am living there yet.
- Q You were living on Pryor Creek? A Yes sir.
- Q And you changed your locality and went up there, there wasn't hardly anyone living on Pryor Creek? A There wasn't many.
- Q Whose place did you pass when you went to Lightning Creek from Pryor Creek? A There wasn't any one living there. The country was all wild up there then.
- Q And you just happened to go out in that unsettled country away from where you lived to locate your place? A Yes sir.
- Q There was plenty of vacant land along Pryor Creek was there not? A Yes.
- Q There was plenty along Verdigris? A I didn't want to go on the Verdigris.
- Q There was plenty of vacant land there? A Yes.
- Q And plenty of it along Big Creek? A Yes, I didn't get on Big Creek.
- Q What part of Lightning Creek did you see these people pass? A Rachel Glass' place.
- Q Is that the place Harry Still afterwards bought? A No sir, he didn't buy that place.
- Q Then you have no recollecting of seeing these people living in the Cherokee Nation or camping out in the Cherokee Nation until along in the '70's? A Somewhere along there.
- Q You don't know what the date was '68 when you saw them there, whether they stayed there or whether they went away? A No sir.
- Q What makes you remember it was '68? A It was after I was mustered out of the service in '65 and I came back home after that.
- Q It was the year after you were mustered out? A Yes sir.
- Q What year did you leave your farm up on Lightning Creek? A '75.
- Q Well, it took you quite a long while, about five years to locate your claim up on Lightning Creek? A Yes, but I wasn't on Brice Creek.
- Q You didn't get your place located on Lightning Creek until '71? A I went up there and took my claim.
- Q You didn't locate your claim then in '71? A I didn't make no house on it in '68. I didn't do anything on it then, I went over it, I wanted to see what it looked like.
- Q It looked like a wilderness? A Yes.
- Q And you left it five years be c

- Q And you left it five years before you went back? A Yes sir, there wasn't anybody but a few old settlers, the Whitmires were there.
- Q Name a Cherokee or white man that lived there? A There wasn't any lived there then. There is not many now.
- Q Did the Whitmires have their women folks there when you were there in '66? A Aunt Mariah Hayden was there.
- Q What month was this in '66? A Along before Christmas.
- Q You said a while ago it was in December? A Yes, December is before Christmas; Christmas is in December.
- Q What makes you remember it was before Christmas? A Because it was getting cold, it was getting winter.
- Q Why doesn't it get cold right after Christmas? A Yes, sometimes it gets cold before Christmas.
- Q You want to get it before Christmas so as to be sure to get it within the treaty that they were there? A No, that was the time we was there.
- Q Did you have a conversation with them as to their having been freedmen? A Yes, I knowed them before the war and I talked with them.
- Q You stayed all night with them? A I stayed all night with Nelson Whitmire.
- Q Is he living or dead? A He is dead, his wife is living.
- Q Well, you don't know where Charley Smith and his wife have been living since that time? A Living on California Creek.
- Q All the time since '66? A Every time I have seen them.
- Q Have they always resided in the Cherokee Nation since '66? A I couldn't say that, they might have gone out somewhere; every time I saw them they were here.
- Q When did you first get acquainted with Charles Smith? A It has been a long time.
- Q Was it in '66? A I didn't know him until after he married this woman.
- Q Was he a freedman too? A I don't know.
- Q Don't you remember him as well as meeting his wife? A Yes sir.
- Q Well what year did you meet Charley Smith? A I don't remember.
- Q Why can't you remember him you remember his wife? A Because I remember it being directly after the war.
- Q You remember because he married a girl out in the prairie, out in a camp? A I didn't say anything about in the prairie. I said it was on the forks of the Creek.
- Q You remember his wife because you had met her out there? A Yes.
- Q Why can't you remember the year he and his wife married? A Because I wasn't there, I don't know when they married.
- Q You weren't there when they came in on that Creek were you? A Yes sir.
- Q You said they were there on the Creek when you got there? A The family was there, I didn't say Charley was there.
- Q You weren't there when they left either were you? A I wasn't there then.
- Q You don't know anything about it except the little point of '66? A Oh, yes.
- Q In later years you have seen them but you didn't see them from '66 until up in '71, you never saw one of his family living up in the Cherokee Nation on Lightning Creek? A I never said I saw them on Lightning Creek in '70. I seen them up on the bend pretty near every year.
- Q What year did you see them next from '66 and up to '71 at celebrations? A I saw them in '70 all along.
- Q When there was a period of five or six years you didn't know where they were? A Yes.
- Q Was she married when you saw them there in 1871? A I don't know, she may have been.
- Q When did you first see Charley and found out that he claimed to have married this girl? A It was a good while after that.
- Q Was it as late as '80? A Before that, it was along in '77 or '78.

1-Jane C. Smith et al.

- Q When did you first see this Emily and know that John Rowe and she were married? A About the same time.
- Q About '77 or '8? A Somewhere along there.
- Q Did you ever know of those parties living at Lawrence, Kansas, and Topeka, Kansas? A I never was there; I came through there.
- Q Did you ever know of this family living there? A No sir.
- Q Did you know John Rowe before he and Emily were married? A He and him soldiered together.
- Q You were both mustered out in Kansas? A Yes.
- Q Did you ever see John Rowe from the time that you learned that he and Emily had married? A No, when I seen him he said he was married.
- Q Did you separate from Rowe in the Cherokee Nation or in the state after you and he were mustered out? A We separated at Leavenworth.
- Q How far is Leavenworth from Lawrence? A I don't know how far it is. It aint very far.
- Q You made the trip didn't you? A But I don't know how far.
- Q You have no idea what the distance is? A No sir.
- Q When you were mustered out and came down to the Cherokee Nation, do you know whether John had ever ~~seen~~ met Emily at that time? A I don't know, I left him at Leavenworth.
- Q After you met him in the Indian Territory did you have any conversation as to where they had been living before they came to the Cherokee Nation? A No sir, never had no such conversation. They told me they lived on California Creek when I first saw them.
- Q Where did they say they were living from the time you and John separated at Leavenworth, Kansas, up until the time you learned he and Emily had married? A He never told me where he was living.
- Q Do you mean that we should understand that you had soldiered with a man and been mustered out with him and then separated from him and hadn't seen him for 9 years or about that time anithen when you met again you didn't ask as to where he had been during the interval? A No, he never told me and I never asked him.
- Q You and John Rowe weren't very intimate soldiers? A We were always good friends.
- Q Did Rowe ask you where you had been living? A Not that I know of.
- Q You then didn't discuss the subject of residence between you? A Not that I recollect; I don't think he asked me.
- Q What month of the year were you mustered out? A In October.
- Q Of what year? A Of '85.
- Q What year was the Wallace roll made? A Along in '80, some time in '86 I believe.
- Q Why can't you remember the exact year the Wallace Roll was made, you remember '86? A Because I remember '86 is because I was mustered out in '85.
- Q You drew money from the Wallace roll, why can't you remember that just as well as the year '86? A I don't know.
- Q What year was the Kern Clifton roll made? A Along about '89 some where.
- Q How far do you live from Charley Smith now? A He lives up on Hickory Creek.
- Q About how far is it? A About 26 miles.
- Q Has he ever lived any closer to you since he came to the Cherokee Nation than that? A No sir.
- Q How far did you live from John Rowe's? A He lives near Lenapeh, about the same distance.
- Q Did he ever live any closer to you than that? A No sir.
- Q Then you haven't been seeing them very often since they came? A I seen them sometimes every year and sometime twice a year when we have meetings up on the band.

Q You were at Chelton and Nowata and nearly all the places where the Commission was the past year? A Sometimes a day and a half day.

Q You were there when Charles Smith made his application? A I don't think I was. I saw him there at Chelton.

Q Did he call you as a witness? A He called me, but he didn't use me.

Q How did that happen? A I don't know.

Q It happened because you didn't know anything that would benefit him? A Just as much as I know now.

Q You didn't tell him then what you know now and what you are telling here to-day? A Yes, I did.

Q How did it happen that he didn't use you then? A I don't know.

Q You waited until the last day before you came? A I didn't know this was the last day.

Q You don't mean to say that ~~that~~ you didn't know this was the last day fixed by the Commission? A Is this the last day?

Q Do you mean to say you didn't know? A I heard it was the last day, but I don't know it.

Q And you waited until that day to come and testify? A I have been here ever since Wednesday and have been waiting on you fellows.

Q We have been ready to take it any time? A I don't know.

Q Have you been denied since you came here that we would not take your testimony? A I don't know.

Q Have you asked that you might give your testimony that you might go home? A I was waiting until they called it up.

Q You knew when you came here Wednesday that you weren't expected to testify until today? A No sir, I didn't.

Q And you didn't want to testify until today and not until this afternoon? A I was willing to testify the first day I came here so I would have been home.

Q Who did you ask? A I didn't ask nobody.

Q Been around the Commission room continuously ever since you came?

A Not ever since I been here, I have been sick half the time down at the hotel.

Q Who was Chief when you were up there in '68 and saw these people camping? A Bill Ross was acting as chief then.

Q You weren't up there hunting horses like L. B. Daniels, were you?

A Lewis Daniels was elected chief after that.

(REPHRASE)

Q How is the health of the people generally in that country? A My health has not been very good.

Q Do you know whether this paper was handed in Thursday that you be called to testify in this case, or not? A No sir, I do not know.

The applicant offered in evidence a certified copy of marriage record taken from the marriage records of Cooweescoowee District,

Cherokee Nation, certified to by E. W. Alberty, Assistant Executive Secretary of the Cherokee Nation.

J.S.Davenport: The representative of the Cherokee Nation objects to the introduction of the paper offered in evidence because it does not purport to be a certified copy of any regular marriage record kept, does not purport to be a copy of the license recorded or the certificate of the Minister or other officer solemnizing the same. The representative of the Cherokee Nation further objects to the document offered because that it is immaterial and incompetent and not a record which can be proven by a certified copy, it not being a record entered by official of the nation while in his official capacity, or which purports to be an official act, but is simply a record stating what the recollection of a man who was at some time clerk, remembers about a certain marriage, and because of the further fact that the Clerk has no power whatever and never did under the Cherokee law, by his unlawful acts, have the right to admit to citizenship anyone by violating the law and issuing to them a marriage license.
Commission: The document will be filed and considered for what it may be worth.

John E. Smith et al.

This testimony will also be filed in the following Indian cases:

D-328, Elvira Smith; D-329, Vera Harris;
D-318, Pearl Smith; D-322, Myrtle Smith;
D-311, Emily Nelson et al; D-474, John J. Rose et al.;
D-317, Mary Blackburn et al; D-318, Charles Rose;
D-330, James Colbert; D-323, Geneva Lynch et al.;
D-304, William Brady.

as well as in the case at bar, the same being that of Sam Nelson for the enrolment of herself and children, D-314.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

E. L. Polk

Subscribed and sworn to before me this 16th day of June, 1902.

J. H. Renter
Notary Public.

Case No. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000

In the matter of the application of **DEWEY ADAMS** for enrollment as a Cherokee Freedman.

Applicant appears by **Ballister & Smith**, Cherokee Nation, by **W. W. Hastings**, Attorney.

The applicant moves the Commission to make the detailed copy of the decree of the Court of Claims in the case of **House Whitmire**, Trustee for the Freedmen, vs The Cherokee Nation, No. 17209 filed in the **Mariah Hayden** case F D 498, a part of the record to this case and the cases hereinafter mentioned by reference to the said case of the said **Mariah Hayden**, and if it be deemed necessary that a copy of the said decree be filed in this case and in the following cases, to-wit:

Case No. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000

By **W. W. Hastings**, Attorney for the Cherokee Nation and objects to the introduction of the decree because, first: It does not tend to show that the applicant was a slave of the Cherokee Nation at the beginning of the war, nor that he returned within the time specified in the Treaty of 1866, or that he had been a continuous resident of the Cherokee Nation since that time, or that he is a descendant of such a person. Second: Because the same is inconsistent, irrelevant and immaterial, and does not tend to prove an issue in this case. Third: Because the Commission will take judicial knowledge of all laws, treaties and decrees necessary for the determination of the right of any person who makes application for citizenship. Fourth: The Cherokee Nation objects to the filing of a certified copy of this decree in the case of an applicant unless the same is called and filed in each individual case.

Commission: The motion of the attorney for the applicant will be entertained and the decrees of the Court of Claims filed in the case of **Mariah Hayden** will be made a part of the record by reference in all the cases above named with the exception of those which come within the provisions of the temporary injunction recently granted by Judge Gill of the United States Court, of the Northern District, Indian Territory.

The applicant further moves that as to the above named cases including the **Mariah Hayden** case that counsel for the applicant be allowed within thirty days to file any of the proof of any or all of the record other than the decrees already referred to.

in the case of Moses Whitmire, trustee, vs Cherokee Nation, to file in the Court of Claims to the counsel of the Cherokee Nation if it is desired to do so.

W. W. Hastings:

The Cherokee Nation certainly most strenuously objects to the allowance of this permission or to the granting of this request for the reason that most of these applicants have had more than a year in which to file all of their testimony that they desired to file to make out their case before the Commission and that notice was given them all by agreement in March last, that the cases would be closed so far as testimony was concerned by the special permission of the firm of attorneys representing these applicants, on the 31st day of May, 1902, and that this being the 31st day of May, 1902, we say that under the rulings of the Commission, that under the agreement between the attorneys, that the testimony in all these cases is to close and should be closed by the Commission, and that no extension should be granted in any case and no case re-opened unless there is some special and particular reason shown either by the Cherokee Nation on the one side or the applicant on the other why an extension of time is necessary or desired.

The Commission:

The law provides that the roll of Cherokee freedmen shall be made in strict compliance with the decree of the Court of Claims rendered the 3rd day of February, 1896, and as the Commission must take judicial notice of the judgment roll of said Court in the proceedings referred to the motion of attorneys for applicants for additional time to file certified copies of the proceedings of the said Court is denied.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings in the above case and that the foregoing is a true and correct transcript of his stenographic notes thereof.

(Signed) E. G. Rothenberger.

Subscribed and sworn to before me this 14th day of June, 1902.

(SEAL)

(Signed) P. G. Reuter,
Notary Public.

I, E. C. Bagwell, a stenographer to the Commission to the Five Civilized Tribes, on oath state that the above and foregoing is a true and perfect copy of the original testimony in the above entitled cause as filed with the Commission, which copy was made by me.

E. C. Bagwell

Subscribed and sworn to before me this July 29, 1902.

P. G. Reuter
Notary Public.

Department of the Interior,
Commission to the Five Civilized Tribes.
Washoe, I. T., January 31, 1903.

I, the undersigned, a member of the Commission to the Five Civilized Tribes, do hereby certify that the above and foregoing is a true and correct copy of the original offered in evidence in the matter of the application for enrollment of Cherokee F. D. 514.

C. R. Reed
Commissioner

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Robert Rose et al.
for enrollment as Cherokee Freedmen, consolidating the applications
of

Robert Rose et al. - - - - - Cherokee Freedmen D 474,
Jane Smith et al. - - - - - Cherokee Freedmen D 514,
Emily Nolan et al. - - - - - Cherokee Freedmen D 511,
Pearl Smith - - - - - Cherokee Freedmen D 515,
Matilda Smith - - - - - Cherokee Freedmen D 516,
Mary Blackburn et al. - - - - - Cherokee Freedmen D 517,
Charles Rose - - - - - Cherokee Freedmen D 518,
James Colbert et al. - - - - - Cherokee Freedmen D 520,
Geneva Lynch et al. - - - - - Cherokee Freedmen D 521,
William Rose - - - - - Cherokee Freedmen D 804,
Daisy Rose - - - - - Cherokee Freedmen R 132,
Minora Smith - - - - - Cherokee Freedmen D 886,
Cora Morris et al. - - - - - Cherokee Freedmen D 883.

D E C I S I O N.

The record herein shows that applications for enrollment, as Cherokee Freedmen, were made to this Commission by John J. Rose, for his minor children, Robert and James Rose; said application also included the said John J. Rose, who claims right to enrollment as a Cherokee Freedmen by intermarriage, but the status of persons claiming right to enrollment as Cherokee Freedmen by intermarriage not being fixed at this time, the said John J. Rose is not embraced in this decision; by Charles C. Smith, for his wife, Jane, and minor children, Chester, Frank, Martha, Catherine, Curtis and Melvola Smith; said application also included the said Charles C. Smith, who claims right to enrollment as a Cherokee Freedmen by intermarriage, but the status of persons claiming right to enrollment as Cherokee Freedmen by intermarriage not being fixed at this time, the said Charles C. Smith is not embraced in this decision; by Emily Nolan, for herself and minor child, Jessie Rose; by Pearl Smith, for herself; by Matilda Smith, for herself; by Mary Blackburn, for herself and minor child, Jeff Dickson; by Charles Rose, for himself; by James Colbert, for himself and minor children, Myrtle, Mable, Minnie, Walter J., Knistisen and Pearl L. Colbert; said application also included Susie Colbert, wife of the said James Colbert, who claims right to enrollment as a Cherokee Freedmen by intermarriage, but the status of persons claiming right to enrollment as Cherokee Freedmen by intermarriage not being fixed at this time the said Susie Colbert is not embraced in this decision; by Geneva Lynch, for herself and minor children, John Looney and Prue Lynch; by William Rose, for himself; by William Rose, for his minor child, Daisy Rose; by Minora Smith, for herself; and by Cora Morris, for herself and minor children, Clarence, David, Charles and Helen Morris. Copies of the testimony taken in the cases of Edward Wright, Cherokee Freedmen D 518; Aaron Webber, Cherokee Freedmen D 216; Joe Ross, Cherokee Freedmen D 542 and Elizabeth Neigs, Cherokee Freedmen D 391, and Harry Still, Cherokee Freedmen #276, are filed with and made a part of the record herein.

The evidence shows that Jane Smith, Emily Wolen, formerly Rose, and James Colbert are the adult children of Matilda Colbert (formerly Dannenberg), deceased; that they were the slaves of Cherokee citizens at the commencement of the rebellion; and that they went to Kansas during said rebellion. It is shown by evidence introduced in behalf of the applicants that said Jane Smith, Emily Wolen and James Colbert returned to the Cherokee Nation with Mariah Hayden, mother of Harry Still, after the war; and the Commission has decided in the case of Henry O. Hayden et al., Cherokee Freedmen B 198, that the said Mariah Hayden did not return to and take up her residence in said Nation until after 1873 which decision was approved by the Department on November 28, 1902 (I.T.D. 5988, 6242-1902).

Jack Landrum, a witness in behalf of the applicants, testified that the said Matilda Colbert and her daughter Emily, returned to the Cherokee Nation in the fall of 1866 and remained therein for a period of four or five years following that date. If the testimony of Harry Still to the effect that said applicants returned with Mariah Hayden, his mother, be accepted as true it follows that said Jack Landrum is in error when he states that Matilda Colbert and her daughter, Emily, were living in the Cherokee Nation from 1866 to 1870 or 1871. Again, Landrum is positively contradicted by the testimony of Mattie Drake and Jonathan Jones, two witnesses whose testimony is corroborated by other circumstances. Mattie Drake testified that she knew Emily Wolen, James Colbert and Jane Smith in Kansas at the close of the war; and that following that time she attended school with Emily Wolen and Jane Smith "at two different times" (years). Jonathan Jones and testified that he removed to Topeka, Kansas, in February, 1866; that a year or two thereafter he became acquainted with Matilda Colbert and her three children, Emma, Jane and James, who were then residing at said place; and that they continued to reside there for a period of five or six years following the time he first got acquainted with them. The marriage license dated February 6, 1869, in which the said Matilda Colbert is described as "Matilda Dannenberg of Topeka" tends to corroborate the testimony of said Jones. Inasmuch as the witness Landrum is shown to be mistaken in his statement that Matilda Colbert and her daughter, Emily, remained in the Cherokee Nation for four or five years following the fall of 1866, is it reasonable to presume that his testimony is any more accurate on the other points in controversy?

As to the testimony of applicants' witness, Harry Still, it is to be observed that, in his own case, it is established by the weight of evidence that he did not return to the Cherokee Nation until after January 19, 1867. So that if he came back to said Nation with any of the applicants it is obvious that they arrived in said Nation too late to acquire any rights to enrollment. Upon consideration of all the evidence, therefore, we are of the opinion that said Jane Smith, Emily Wolen and James Colbert did not return to said Nation until after the time specified, in the decree of the Court of Claims rendered on February 3, 1866, in the case of Moses Whitmire, trustee, et al., vs the Cherokee Nation et al., for the return of freedmen to said Nation.

It further appears that all the other applicants herein were born since 1866; that they are the descendants of and claim right to enrollment through said Emily Wolen, Jane Smith or James Colbert; and that they have no other right except as such descendants. The names of none of said applicants herein are found on the 1860 authenticated roll of said Nation.

It is, therefore, the opinion of this Commission that the applications for the enrollment of Robert Rose, James Rose, Jane Smith, Chester Smith, Frank Smith, Bertha Smith, Catherine Smith, Curtis Smith, Melvia Smith, Emily Helen, Jessie Rose, Pearl Smith, Matilda Smith, Mary Blackburn, Jeff Dickson, Charles Rose, James Colbert, Myrtle Colbert, Mable Colbert, Minnie Colbert, Walter J. Colbert, Ernestine Colbert, Pearl L. Colbert, Geneva Lynch, John Rooney, Bruce Lynch, William Rose, Daisy Rose, Minora Smith, Gera Morris, Clarence Morris, David Morris, Charles Morris and Helen Morris, as Cherokee Freedmen, should be granted under the provisions of section 1417-1 of the act of Congress, approved June 28, 1896 (29 Stat., 496), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(Signed) Tom Mixby, Chairman,
T.H. Needles, Commissioner,
W.R. Brackinridge, Commissioner,
W.R. Stanley, Commissioner.

Washoe, Indian Territory,
this May 11 1904.

Department of the Interior,
Commission to the Five Civilized Tribes.

In the matter of the application for enrollment of William Davis, et al., as citizens by inter-marriage of the Cherokee Nation, consolidating the applications of:

William Davis,
Henry Thomas,
John V. Vane,
Mary Markham,
Patrick McNamee,
John Deason,
Mary Jane Wynn,
Thomas Rowe,
Ella Myrland,
Sally Rider,
Reuben Campbell,
Van Jackson Lecher,
Cassie Middleton,
Mary Hattie,
Nellie Hester,
John Klans,
William S. Madden,
Jane Dean,
Albert T. Taborn,
Mary Chapman,
Gordon D. Bates,
Richard A. Hester,
Burr Hester,
Alexander Chiggett,
Amanda Martha,
Ellen Hester,
John E. Hester,
Sam D. Hester,
Samuel Brown,
Edward F. Waucho,
Jack McCaskey,
Maudie Maudie,

Cherokee Freedmen D-1000,
Cherokee Freedmen D-1001,
Cherokee Freedmen D-1002,
Cherokee Freedmen D-1003,
Cherokee Freedmen D-1004,
Cherokee Freedmen D-1005,
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Cherokee Freedmen D-1038,
Cherokee Freedmen D-1039,
Cherokee Freedmen D-1040,

George Reed, Sr.,

Book Freeman,

Hell Freeman,

Book Freeman,

Book Freeman,

Thomas E. Abbe,

Lewis Vanderford,

John L. Bowlin,

Katie Davis,

Charles Williams,

John J. Rose,

John Martin,

Lena Peterson,

Alan Johnson,

Martha Vannoy,

John Smith,

Henry Scott,

Charles C. Smith,

Benjamin Galt,

William Shaggs,

Samuel Johnson,

Alfred P. Hopkins,

Katia Vannoy,

Freddie Lacey,

Lucy Chantee,

Alma Dancy,

Mahaley Ward,

Paul D. Thomas,

Estie Bush,

Edna Warren,

Millie Robinson,

Mary Webber,

Frances Martin,

Mary May,

Samuel Taylor,

Henry Sykes,

Larkin P. Howell,

Stepney Damm,

Melinda Vannoy,

Samuel Johnson,

Anna Boston,

Mary H. Rogers,

George Washington Lane,

Jane Brown,

Cherokee Freedmen D-389,

Cherokee Freedmen D-406,

Cherokee Freedmen D-411,

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Cherokee Freedman D-1300

DECISION.

It appears from the applications for enrollment as Cherokee citizens by inter-marriage, were made to the Commission by William Davis for himself; by Elizabeth Thomas for her husband, Henry Thomas; by Mary Vann for her husband, John Vann; by Big Matthew for himself, Mary Matham; by Nathan Melton for his wife, Frances Melton; by Mary Detson for her husband, John Detson; by George W. Vann for his wife, Mary Vann; by Thomas Lowe for himself, Mary Mayfield for his wife, Ella Mayfield; by James White for his wife, Sally White; by Andrew Campbell for himself; by Van Jackson Butler for himself; by Tobe Middleton for his wife, Sarah Middleton; by Thomas Harlin for his wife, Mary Harlin; by John Fields for his wife, Hester Fields; by John Kimbo for himself; by William W. Melton for himself; by Tobias Bean for his wife, Jane Bean; by Rita Thomas for her husband, David Thomas; by James Campbell for his wife, Mary Campbell; by Frank Daniels for his wife, Susan Daniels; by Jim Alberty for his daughter, Melvina Alberty; by Sarah Morris for her husband, Dave Morris; by Jane Claggett for her husband, Alexander Claggett; by Mary Martin for her wife, Amanda Martin; by Charles Smith for his wife, Ellen Martin; by John B. Brown for himself; by Joe Davis for his wife, Bell Davis; by Ellen Brown for her husband, Andrew Brown; by Mary Ann Watson for her husband, Howard A. Watson; by Jack McConnell for himself; by George Scott for himself; by George Bond, City of himself; by Buck Ledman for himself; by John Thompson for herself; by Lewis Scott for himself; by Abe Scott for himself.

It further appears from the record herein that at the time applications were made for the enrollment of the said applicants, applications were made under the enrollment act of 1906 by applicants as Cherokee Indians, but said applications being differently classified are not included in this decision.

It is further apparent that any of the applicants herein are identified upon the 1890 Authenticated Cherokee Roll, nor does it appear that any of said applicants has ever been admitted to Cherokee citizenship by a duly constituted court or committee of the Cherokee Nation, or by the Commissioner to the Five Civilized Tribes, or by a decree of the United States District Indian Territory, under the provisions of the Act of Congress approved June 10, 1896, (29 Stat., 821).

and in the event, the opinion of the Commissioner that, following the ruling of the Department in the case of Donald Williams, (C. T. D. 981-1904, 11,776-1905) the applications made for the enrollment of William Davis, Henry Thomas, Ella Vann, Mary Markham, Frances Melton, John Dotson, Mary Jane Kean, Thomas Lewis, Ella Mayfield, Sallie Riley, Benson Campbell, Van Jackson, Elmer, Charles Williams, Mary Harris, Nellie Fitch, John Hunter, William G. Campbell, James Bush, Albert T. Thomas, Mary Campbell, Caroline Daniels, Melvina Alberty, Dave Morris, Alexander Cleggitt, Amanda Martin, Eliza Martin, John E. Barnes, Bell Davis, Samuel Brown, Hester F. Watson, Jack McDowell, Maudie Martin, George Reed, Gr. Dick Loomis, Ben Thompson, Lottie Scott, Abe Scott, Bender Lampton, Thomas E. Allen, Louis Vanderford, John L. Brown, Yada Davis, Charles Williams, John J. Rice, Jane Martin, Lena Peterson, Alan Johnson, Martha Vann, John Scott, Nancy Brown, Charles G. Smith, Elsie Githers, William Skiggs, Sallie Johnson, Alfred P. Hopkins, Kinzie Vann, Freddie Leoney, Lacy Chatham, Alon Darnall, Mary Wray, Fred D. Thomas, Bettie Beck, Ella Warren, Millie Robinson, Mary Webber, Frances Martin, Mary Ellen, Edmund Taylor, Henry Sybil, Larkin F. Smith, George Darr, Mattie Vann, Elmer Johnson, Annie Foster, Mary H. Rogers, George Washington Lane, Jan Brown, Samuel L. Young, John Becker, Willie Cox, Leonard Boyer, Melinda Murrell, Charles Cleggitt, Samuel Irvin, Mary Rose, Maggie Nave, Neoma Nave, Ella Nave, Elizabeth Nave, Sallie Adams, George Smith, John Cleggitt, Hattie Smith, Jack Johnson, Lena Sanders, George Hasting, Linnie West, Maria French, Mary Johnson, Maggie Vann, William Hudson, Sam Rogers, Abraham Ballard, Laura David, John Beckman, James B. Perry, James Welch, Lavina Logan, George Howell, Henry Martin, George Adams, Annie Thomas, Louis McCullen, Carrie Vann, Lou Peters, Lou Adams, Robert Brown, Eric Chambers, Leon Jones, Alice Quier, Katie Adair, Carrie Martin, Benjamin Clark, Emily Looney, John Groves, Matilda McNair, Bettie Vann, Nelson Lett, Fannie Rogers, William Washington,

— 7 —

Requie Warren Owens, Fannie Golding, Susan Daniels, Anderson Turk, David Lane, Fella McClair, Henderson Jones, Belle Vann, Levi Stroud, John Sampter, Mariah Thompson, Ellen Sheppard and Leah Melton, as Cherokee citizens by intermarriage, should be denied, under the provisions of section twenty-one of the Act of Congress approved June 28, 1898, (30 Stat., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

[SIGNED] TAMS BIXBY,
Chairman.

[SIGNED] T. B. NEEDLES,
Commissioner.

[SIGNED] O. R. BRECKINRIDGE,
Commissioner.

MUSKOGEE, INDIAN TERRITORY, JANUARY 13, 1905.

For the marriage record of Commissioner District

the Cherokee Nation as hereby certified that the foregoing is a true

I D.W. Vibber, Assistant Executive Secretary of
Cherokee Nation, 1885

Executive Office Cherokee Nation.

Chas. C. Smith
(Copied)

Recorded July 1, 1885
I hereby certify the foregoing is a true copy of the original

Witness
F.V. B. B. B.

Handwritten signature

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
JUN 1885

John F. Rose

The Cherokee Nation.

a marriage license to which a statement was attached
District Clerk D.W. Vibber has examined the same and found
true and good standing and duly sworn that he was present when
personally appeared before me John Rose a notary public
Cherokee N.T.

Dist. D.W. Vibber Secy. Chk.

Joe M. Vibber, Clerk Commissioner

whereas recorded this the 1st day of August 1885.

I hereby certify that the above is a true copy of the original

Commissioner District Cherokee
Nations.

Given this the 6th day of August 1885.

with a Cherokee Freedmen's officer of the Cherokee Nation.

Chas. C. Smith, Clerk, a citizen of the United States, a license to

To whom it may concern,

To the best of my recollection while I was clerk of
Cawwawawaw District in the year of 1874 I issued a license to
Chas. C. Smith, sold. a citizen of the United States, a license to
marry a Cherokee Freedman, a citizen of the Cherokee Nation,
Given this the 6th day of August 1897.

D.W. Lipe, Ex. Clerk,

Cawwawawaw District, Cherokee
Nation.

I hereby certify that the above is a true copy of the original
shown. Recorded this the 7th day of August 1897.

Joe M. Lally, Clerk Cawwawawaw

Dist. By R. Lee Comer Dept. Clk.

Chelsea I.T.

Personally appeared before me, John Rose a man of legal
age and good standing who duly swears that he was present when
District Clerk D.W. Lipe gave an issued to Charles Smith C. Smith
a marriage license to marry a Freedman who was a citizen of this
the Cherokee Nation.

Witness

L.A. Rose

his
John I. Rose
mark

Subscribed and sworn to before me this 6th day of August
1897.

J.F. Hays, Notary Public.

I hereby certify the above to be a true copy of the original
recorded this 8 / 7 '97.

Joe M. Lally, Clerk,

By R. Lee Comer, Dept. Clk. Cawwawawaw
Dist. C.N.

Executive Office Cherokee Nation,

Tablequah, I.T.

I, B.W. Alberty, Assistant Executive secretary of
the Cherokee Nation do hereby certify that the foregoing is a true
copy taken from the marriage record of Cawwawawaw District
Cherokee Nation, now filed in my Office by law and in my custody.

Given under my hand and the seal of the Cherokee Nation this

the 2. day of October 1901.

B.W. Alberty, Asst.
Ex. Secretary. John Rose

F. L. STEVENS,
Register.

SHAWNEE COUNTY
office of
REGISTER OF DEEDS.

Topeka, Kans., Apr 8 1902

State of Kansas)
 SS
Shawnee County)

I, F. L. Stevens Reg. of Deeds of above named County and State, do hereby certify that the records of this office show that one Matilda Lacy acquired title to lot #252 on Crane Street in Crane's Add. to Topeka Kansas from F. L. Crane on the 2d day of June 1871, and further show that she disposed of lot #252 on Crane Street in Crane's Add. to Topeka Kansas, to one Luititia Freeman on the 18th day of June, 1874.

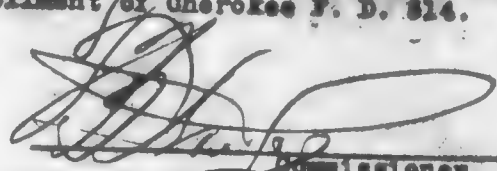
Witness my hand and seal of office this 8th day of April A. D., 1902.

F. L. Stevens
Reg. of Deeds
Shawnee County
State of Kansas.

(SEAL)

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, I. T., February 2, 1903.

I, the undersigned, a member of the Commission to the Five Civilized Tribes, do hereby certify that the above and foregoing is a true and correct copy of the original offered in evidence in the matter of the application for enrollment of Cherokee F. D. 314.


Commissioner.

F. D. 514

10514.

INDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the with-
in notice on

by delivering a true copy thereof on the
..... day of A. D. 190.....

Given under my hand this.....
day of..... A. D. 190.....

.....
Marshal for the Cherokee Nation.

I, the undersigned attorney for the
within named applicant, hereby accept
service of the within notice on this the
..... day of April, 190.....

.....
Attorney for applicant.

UNITED STATES OF AMERICA, }
INDIAN TERRITORY, } S. S.
NORTHERN DISTRICT. }

I do solemnly swear that I delivered a
true copy of the within notice to

.....
on the day of A. D. 190.....

.....
Subscribed and sworn to before me
this

.....
Notary Public.

COMMISSION TO THE FIVE CIVILIZED TRIBES,
FILED
APR 2 1902

.....
ACTING CHAIRMAN

NOTICE!

IN THE MATTER OF the application of Charles C. Smith et al,
for enrollment as Cherokee Freedmen:

Case No. F. D. 514.

To Charles C. Smith or Belleto & Smith, his attorneys:

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman at Muskogee, I. T. United States Commission to the Five Civilized Tribes in the town of at 8 o'clock A. M. or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this April 4, 1902.

L B Bell

W. W. Hastings
Jas Davenport
Attorneys for the Cherokee Nation.

F. D. 514

**INDIAN TERRITORY,
CHEROKEE NATION.**

I hereby certify that I served the with-
in notice on

by delivering a true copy thereof on the
..... day of A. D. 190...

Given under my hand this
day of A. D. 190...

Marshal for the Cherokee Nation.

I, the undersigned attorney for the
within named applicant, hereby accept
service of the within notice on this the
..... day of 190...

Attorney for applicant.

UNITED STATES OF AMERICA, }
INDIAN TERRITORY, } S. S.
NORTHERN DISTRICT.

I do solemnly swear that I delivered a
true copy of the within notice to

on the day of A. D. 190...

Subscribed and sworn to before me
this

Notary Public.

COMMISSIONER

CIVILIZED TRIBES

FILED

APR 11 1902

ACTING CHAIRMAN

COMMISSIONER

FILED

APR 11 1902

ACTING CHAIRMAN

NOTICE!

IN THE MATTER OF the application of Charles C. Smith,
for enrollment as Cherokee Freedmen:
Case No. F. D. 514.

To Charles C. Smith or Vellotte & Smith his attorneys:

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman at the office of the United States Commission to the Five Civilized Tribes in the town of Muskogee, I. T. Indian Territory, on xx April 11, 1902. at 8 o'clock A. M. or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this April 10, 1902.

L B Bell

*N. W. Hastings
Jas. Davenport*

Attorneys for the Cherokee Nation.

2X

5-10-14

D.

INDIAN TERRITORY,

CHEROKEE NATION.

I hereby certify that I served the with-
in notice on.....

by delivering a true copy thereof on the
..... day of A. D. 190...

Given under my hand this.....
day of..... A. D. 190

Marshal for the Cherokee Nation.

I, the undersigned attorney for the
within named applicant, hereby accept
service of the within notice on this the

..... day of **SEP 23 1901**, 190
W. L. Smith
Attorney for applicant.

UNITED STATES OF AMERICA, }
INDIAN TERRITORY, } S. S.
NORTHERN DISTRICT.

I do solemnly swear that I delivered a
true copy of the within notice to

on the day of A. D. 190...

Subscribed and sworn to before me
this

DEPARTMENT OF THE INTERIOR, U. S. DEPT. OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
SEP 24 1901

W. L. Smith
ACTING CHAIRMAN

NOTICE!

IN THE MATTER OF the application of Chas. C. Smith
for enrollment as Cherokee citizens:

Case No. D 514

To Chas. C. Smith or Mollette & Smith his Attys.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee citizen at the office of the United States Commission to the Five Civilized Tribes in the town of Oct Vinita Indian Territory, on Oct. 23d 1901 at 2 o'clock A. M. or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee citizens.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this Sept. 21st 1901.

L B Bell
W. W. Hastings
Attorneys for the Cherokee Nation.

P. D. 514

**INDIAN TERRITORY,
CHEROKEE NATION.**

I hereby certify that I served the with-
in notice on

by delivering a true copy thereof on the
..... day of A. D. 190.....

Given under my hand this.....
day of A. D. 190.....

Marshal for the Cherokee Nation.

I, the undersigned attorney for the
within named applicant, hereby accept
service of the within notice on this the

day of 9-11 1902

Willie Smith
Attorney for applicant.

UNITED STATES OF AMERICA, }
INDIAN TERRITORY, } S. S.
NORTHERN DISTRICT. }

I do solemnly swear that I delivered a
true copy of the within notice to

on the day of A. D. 190.....

Subscribed and sworn to before me
this

Notary Public. -

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
FEB 15 1902

W. H. Smith
ACTING CHAIRMAN

NOTICE!

IN THE MATTER OF the application of Charles Smith
for enrollment as Cherokee Freedmen:

Case No. F. D. 814

To Charles Smith, *Mellette & Smith atty*

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman at the office of the United States Commission to the Five Civilized Tribes in the town of Muskogee, I. T. Indian Territory, on February 24th, 1902, at 8 o'clock A. M. or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this 8th day of February, 1902,

L B Bell

W. W. Hastings

James D. [unclear]
Attorneys for the Cherokee Nation.

WJ 320914

MAR 19

RECEIVED



NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

Mr. Charles C. Smith,

Elliott, I. T.

Cherokee A-D-514.

Register.

TAMS BIXBY,

T. B. NEEDLES,

C. R. BRECKINRIDGE,

Commissioners.

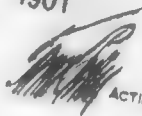
73.

J.D. 5-14

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

JUN 5 1901



ACTING CHAIRMAN.

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date JUN 5 1901

Post Office Ellinor 261

District Xoo we scowee

1. Name Charles E. Smith

Age 55

Owner's name

Citizenship

Year

Page

No.

District

Parents:

Father

Citizenship

Mother

Citizenship

2. Name of wife Jane Smith

Age 45

Owner's name

Citizenship

Year

Page

No. 3627

District

Xoo

Parents:

Father

Citizenship

Mother

Citizenship

Names of Children:

3. Robert Smith

Year X80

Page 147

No. 3630

Dist. Xoo

4. Frank

Year 11

Page 147

No. 3631

Dist. 19

5. Bertha

Year 11

Page 147

No. 3632

Dist. 17

6. Catherine

Year 11

Page 147

No. 3633

Dist. 15

7. Curtis

Year 11

Page 147

No. 3633

Dist. 18

8. Melvina

Year 11

Page 147

No. 3633

Dist. 18

9.

Year

Page

No. Dist. 5

10.

Year

Page

No. Dist.

11.

Year

Page

No. Dist.

12.

Year

Page

No. Dist.

Application made by

Charles E. Smith

Stenographer

M. D. Green

Not on any rolls.

Not on any roll P. 138 No 2894, Xoo Dist
No 3 " P. 138 No 2900, " "

No 146 Birth certificates required:

Represented by Mellette & Smith, Santa, S. A.
X ref to 10474 + 10511

C1.

J. J. 5-14

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FT L. B. D.
JUN 17 1901

[Handwritten signature]

COMMISSIONERS:
HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

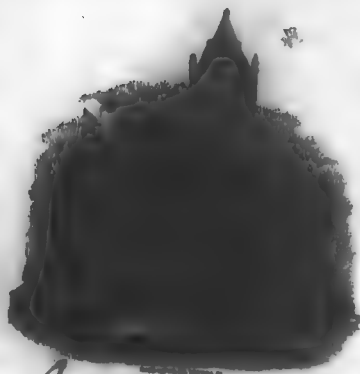
Nowata, Indian Territory, June 17th, 1901.

Received of the Commission to the Five Civilized Tribes,
one copy of the original testimony of June 5th, 1901 and one copy
of the supplementary testimony of June 5th, 1901, in the matter
of the application of Charles C. Smith et al for enrollment as
Freedmen of the Cherokee Nation.

Charles C. Smith

Attorney for Applicants.

Cherokee F. #D514.



F. L. STEVENS,
REGISTER.



Topeka, Kans. Apr 8 1902

State of Kansas }
Shawnee County } ss

I, F. L. Stevens Reg. of Deeds
of above named County and State, do hereby certify
that the records of this office show that one Matilda
Laery acquired title to lot #252 on Crane Street
in Cranes Add. to Topeka Kansas from F. L. Crane
on the 2^d day of June 1871. and further show
that she disposed of lot #252 on Crane Street
in Cranes Add. to Topeka Kansas, to one
Lutitia Freeman on the 18th day of June, 1874.

In witness my hand and seal of office
this 8th day of April - A.D. 1902



F. L. Stevens
Reg. of Deeds
Shawnee County
State of Kansas

COPY.

Cherokee Freedmen
D-514.

Muskogee, Indian Territory, March 22, 1904.

Charles C. Smith,
Elliott, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 11, 1904, rejecting, among others, your application for the enrollment of your wife, Jane Smith, and your six children, Chester, Frank, Bertha, Catherine, Curtis and Melvola Smith, as Cherokee freedmen. Your attorney, Edgar Smith, Vinita, Indian Territory, has this day been furnished with a copy of the record of proceedings, together with a copy of the Commission's decision.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Register

Enc. D-12.

Commissioner in Charge.

COPY.

Cherokee Freedmen
No. 474 et al.

Muskogee, Indian Territory, March 22, 1904.

W. W. Hastings,

Attorney for Cherokee Nation,

Tablequash, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 11, 1904, in the consolidated case of Robert Rose et al., rejecting the applications for the enrollment of Robert and James Rose, Jane, Chester, Frank, Bertha, Catherine, Curtis and Melvella Smith, Emily Helen, Jessie Rose, Pearl Smith, Matilda Smith, Mary Blackburn, Jeff Dickson, Charles Rose, James, Myrtle, Mable, Minnie, Walter J., Ernestine and Pearl Le Gilbert, Geneva Lynch, John Leoney, Fruz Lynch, William and Daisy Rose, Gera, Clarence, David, Charles and Helen Morris as Cherokee freedmen.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Enc. 1-24.

Commissioner in Charge.

COPY

Charles Freeman
D-674 et al.

Muskogee, Indian Territory, March 22, 1904.

Major Smith,

Attorney for Robert Rose et al.,

Vinita, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the record of proceedings had in the consolidated case of Robert Rose et al., together with a copy of the Commission's decision, dated March 11, 1904, rejecting the applications for the enrollment of Robert and James Rose, Jane, Chester, Frank, Bertha, Catherine, Curtis and Melvola Smith, Emily Nelson, Jessie Rose, Pearl Smith, Matilda Smith, Mary Blackburn, Jeff Dickson, Charles Rose, James, Myrtle, Mahle, Minnie, Walter J., Knistown and Pearl L. Galloway, Geneva Lynch, John Leony, Free Lynch, William and Daisy Rose, Elmore Smith, Cora, Clarence, David, Charles and Helen Morris as Charles Freeman.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

J. F. Freeman

Register.

Commissioner in Charge.

Cherokee Freedmen
D-474 et al.

Washington, Indian Territory, March 22, 1904.

The Honorable

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the consolidated case of Robert Ross et al., including the Commission's decision, dated March 11, 1904, rejecting the applications for the enrollment of Robert and James Ross, Jane, Chester, Frank, Bertha, Catherine, Curtis and Melvora Smith, Emily Nolan, Jessie Ross, Pearl Smith, Matilda Smith, Mary Blackburn, Jeff Dickson, Charles Ross, James, Myrtle, Mable, Minnie, Walter J., Ernestine and Pearl L. Colbert, Geneva Lynch, John Leoney, Prue Lynch, William and Daisy Ross, Elvora Smith, Gera, Clarence, David, Charles and Helen Harris as Cherokee freedmen.

Respectfully,

I. B. Needles.

Through the
Commissioner of Indian Affairs.

Commissioner in Charge.

Enc. D-25.

Cherokee Freedmen
D-514.

Muskogee, Indian Territory, April 1, 1904.

Charles C. Smith,
Elliott, Indian Territory.

Dear Sir:

The Commission is in receipt of your letter of March 29, acknowledging receipt of the Commission's decision in the matter of your application for the enrollment of yourself and others as Cherokee freedmen, and requesting a copy of the record in your case.

A copy of the said record is accordingly herewith enclosed to you.

Respectfully,

Enc. D-4.

Commissioner in Charge.

(COPY)

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,

Refer in reply
to the following:

WASHINGTON, October 13, 1904.

Land.

20123-1904,
71224-1904.

The Honorable,

The Secretary of the Interior,

Sir:

I enclose herewith, a report from the Commission to the Five Civilized Tribes, dated March 22, 1904, transmitting the record of the consolidated applications for enrollment as Cherokee freedmen by John J. Rose for his minor children, Robert and James Rose; by Charles C. Smith for his wife, Jane, and minor children, Chester, Frank, Bertha, Catherine, Curtis and Melvina Smith; by Emily Helen for herself and her minor child, Jennie Rose; by Pearl Smith for himself; by Matilda Smith for herself; by Mary Blackburn for herself and minor child, Jeff Dickson; by Charles Rose for himself; by James Colbert for himself and minor children, Myrtle, Mable, Minnie, Walter J., Ernestine and Pearl L. Colbert; by Geneva Lynch for herself and her minor children, John Leoney and Fraz Lynch; by William Rose for himself; by William Rose for his minor child, Daisy Rose; by Elvira Smith for herself, and by Gera Morris for herself and minor children, Clarence, David, Charles and Helen Morris.

March 11, 1904, the Commission decided adversely to all the applicants.

The evidence shows that Jane Smith, Emily Nelson, formerly Reed, and James Colbert are the adult children of Matilda Colbert (formerly Zimmerman), deceased; that they were the slaves of Cherokee citizens at the beginning of the war of the rebellion and that they went to Kansas during said war. It is shown by evidence on behalf of the applicants, that Jane Smith, Emily Nelson and James Colbert returned to the Cherokee Nation with Harish Hayden after the war; that the Commission has decided that the said Harish Hayden did not return to and take up her residence in the Cherokee Nation until after 1875, which decision was approved by the Department on November 23, 1900 (I. T. D. 2000, 4912-1900).

It further appears that all the other applicants were born since 1865; that they are the descendants of, and claim right to enrollment through said Emily Nelson, Jane Smith or James Colbert and have no other rights except as such descendants.

The other applicants are identified on the Horn-Cliffing and Wallace rolls, but none is identified on the 1890 authenticated Cherokee roll.

A brief (71524-1904), has been filed in the applicant's behalf, and the same has been carefully considered.

In view of the report the approval of the Commission's decision adverse to the applicants is recommended.

Very respectfully,

A. C. Tupper

Acting Commissioner.

M.H.M.
V.

(COPY)

DEPARTMENT OF THE INTERIOR,

U. S. J.
Y. P.
RHE

WASHINGTON. December 3, 1904.

D. C. 47302-1904.

I. T. D. 18726-1904.

IRS

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

March 22, 1904, you transmitted the report in the consolidated Cherokee Freedmen case of Robert Ross, et al (F. 2-474 et al), including your decision of March 11, 1904, which was adverse to the applicants.

Reporting in the matter October 19, 1904, the Acting Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

Due consideration has been given to a brief filed by the attorney for the applicants in the case.

The Department concurs in the Acting Commissioner's recommendation, and your decision is hereby affirmed.

Respectfully,

(Signed) Wm. Ryan

Acting Secretary.

1 inclosure.

COPY

Cherokee Freedmen
D-514.

Muskogee, Indian Territory, December 14, 1904.

Charles C. Smith,

Elliot, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated March 11, 1904, rejecting, among others, the application for the enrollment of your wife, Jane Smith, and your minor children, Chester, Frank, Bertha, Catherine, Curtis and Melvina Smith, as Cherokee freedmen, was affirmed by the Secretary of the Interior on December 3, 1904.

Respectfully,

(SIGNED) *Tams Bixby.*
Chairman.

COPY.

Cherokee Freedmen
B-474, et al.

Muskogee, Indian Territory, December 14, 1904.

Wigan Smith,

Attorney for Robert Rame, et al.,

Vinita, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated March 11, 1904, rejecting the applications for the enrollment of Robert, James, Jessie, Charles, William and Daisy Rame; Jane, Chester, Frank, Bertha, Catherine, Curtis, Melvale, Pearl, Matilda and Elmera Smith; Emily Helen; Mary Blackburn; Jeff Dickson; James, Myrtle, Mable, Minnie, Walter J., Ernest and Pearl L. Gilbert; Geneva and Prue Lynch; John Leoney, and Cara, Clarence, David, Charles and Helen Morris, as Cherokee freedmen, was affirmed by the Secretary of the Interior on December 8, 1904.

Respectfully,

(SIGNED) *Tame Bixby.*
Chairman.

COPY.

Cherokee Freedmen
B-474, et al.

Muskogee, Indian Territory, December 14, 1904.

Bell, Hastings & Davenport,
Attorneys for the Cherokee Nation,
Vinita, Indian Territory.

Gentlemen:

You are hereby advised that the Commission's decision dated March 11, 1904, rejecting the applications for the enrollment of Robert, James, Jessie, Charles, William and Daisy Rose; Jane, Chester, Frank, Bertha, Catherine, Curtis, Melvina, Pearl, Matilda and Minora Smith; Emily Nelson; Mary Blackburn; Jeff Dickson; James, Myrtle, Mable, Minnie, Walter J., Ernest and Pearl L. Colbert; Geneva and Prue Lynch; John Leoney, and Cora, Clarence, David, Charles and Nelson Morris, as Cherokee freedmen, was affirmed by the Secretary of the Interior on December 3, 1904.

Respectfully,

SIGNED: *Tams Bixby.*
Chairman.

COPY.

Cherokee Freedmen
2-24 et al.

Muskogee, Indian Territory, January 24, 1903.

Bell, Hastings & Javenport,
Attorneys for the Cherokee Nation,
Muskogee, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of
the Commission to the Five Civilized Tribes, dated January 19, 1903,
rejecting the applications for the enrollment of, William Davis,
Henry Thomas, Ella Vann, Mary Haythorn, Frances Walton, John Johnson,
Mary Jane Vann, Thomas Lowe, Ella Hayfield, Nellie Rider, Stephen
Campbell, Van Jackson Luther, Cassie Middleton, Mary Martin, Nellie
Fields, John Kinke, William S. Madden, Jane Bean, Albert T. Thomas,
Mary Campbell, Caroline Daniels, Melvina Alberty, Jane Harris,
Alexander Claggett, Amanda Martin, Eliza Martin, John E. Barnes,
Will Davis, Samuel Brown, Howard E. Watson, Jack McConnell, Hattie
Hamley, George Reed, Sr., Frank Lathan, Will Thompson, Lewis Scott,
Abe Scott, Kendra Lampton, Thomas E. Allen, Lewis Vanderford, John
T. Nowlin, Katie Davis, Charles Williams, John J. Rice, Jane
Martin, Lena Peterson, Alex Johnson, Martha Vann, John Scott, Zandy
Rice, Charles C. Smith, Hattie Colbert, William Stiggs, Susie
Johnson, Alfred P. Hopkins, Elsie Vann, Frankie Lornay, Lucy

The decision, together with the record of proceedings
and in the event, has this day been transmitted to the Secretary
of the Interior for his review and decision. The action of the

Summary will be made known to you as soon as the Commission is
informed of the same.

Respectfully,

(SIGNED) *Tamie Bixby*
Chairman.

Encl. 1-4.

COPY

Charles Houston
2-14 et al.

Muskogee, Indian Territory, January 21, 1905.

The Honorable

The Secretary of the Interior.

Sir:

There is herewith transmitted record of proceedings had in the matter of the applications for the enrollment of, William Davis, Henry Thomas, Ella Vann, Mary Marshall, Frances Helven, John Detson, Mary Jane Venn, Thomas Lowe, Ella Hayfield, Willie Rider, Reuben Campbell, Van Jackson Luther, Cassie Kigleton, Mary Martin, Willie Fields, John Kinke, William S. Madam, Jess Dean, Albert T. Thomas, Mary Campbell, Caroline Daniels, Marlene Liberty, Dave Morris, Alexander Claggett, Ananda Martin, Eliza Martin, John N. Barnes, Bell Davis, Samuel Brown, Howard T. Brown, Jack McConnell, Hanks Manley, George Wood, Sr., Buck Latham, Bill Thompson, Lewis Scott, Abe Scott, Kendra Langston, Thomas E. Allen, Lewis Vanderford, John L. Bowlin, Katie Davis, Charles Williams, John J. Rose, Jane Martin, Lena Peterson, Alex Johnson, Martha Vann, John Scott, Nancy Hess, Charles C. Smith, Susie Colbert, William Skaggs, Susie Johnson, Alfred P. Hopkins, Elsie Vann, Freddie Looney, Lucy Cheuteau, Alice Durant, Mahaley Ward, Fred J. Thomas, Bettie Beck, Ellis Warren, Millie Robinson, Mary Weber,

Frances Martin, Mary Riley, Emanuel Taylor, Henry Sykes, Larkin P. Powell, Stephen Dawn, Malinda Vann, Frances Johnson, Annie Foster, Mary H. Rogers, George Washington Lane, Jane Brown, Samuel L. Young, John Buckner, Willis Cox, Leonard Bowles, Malinda Murrell, Charles Claggett, Samuel Irvan, Mary Ross, Maggie Nave, Emma Nave, Ella Ross, Elizabeth Duncan, Sadie Adams, Georgeann Archer, John Claggett, Hattie Smith, Jack Jackson, Lula Sanders, George Keadrig, Lillian West, Maria French, Mary Johnson, Maggie Vann, William Hudson, Sarah Rogers, Abraham Ballard, Laura David, John Jackson, James B. Foster, Isaac Welch, Lawson Logan, George Howell, Henry Keadr, George Adams, Annie Thomas, Lewis McConnell, Callie Vann, Lou Foster, Ida Adair, Robert Brown, Allie Chambers, Isaac Jones, Alice Gathers, Katie Adair, Carrie Martin, Benjamin Clark, Emily Locney, John Groves, Matilda McHair, Bettie Vann, Nelson Lett, Fannie Rogers, William Washington, Squire Warren Owens, Fannie Goldsby, Susan Daniels, Anderson Park, David Lane, Felix McClain, Henderson Jones, Belle Vann, Levi Stroud, John Sumpter, Mariah Thompson, Ellen Sheppard and Lula Melton, as Cherokee citizens by inter-marriage, including the Commission's decision dated January 19, 1905, rejecting said applications.

Respectfully,

SIGNED: *Tame Dixby.*
Chairman.

Incl. K-8.
Through the
Commissioner of Indian Affairs.

COPY.

RECEIVED
SHERIFF'S OFFICE
JAN 25 1906

Mustang, Indian Territory, January 24, 1906.

Edgar Smith,

Attorney for Jane Dean et al.,

Mustang, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated January 19, 1906, rejecting, among others, the applications for the enrollment of Jane Dean, Albert E. Thomas, Melvin Albert, Alexander Claggett, Amanda Martin, Edna Hanley, Katie Davis, Charles Williams, John J. Ross, Alex Johnson, Charles C. Smith, Edna Gilbert, William Hingee, David Johnson, Alfred P. Hopkins, Elsie Vann, Freddie Leoney, Lucy Chouteau, Mahaley Ward, Millie Robinson, Frances Martin, Mary Wiley, Samuel Irvin, Sadie Adams, Georgeann Archer, John Claggett, Mattie Smith, Jack Johnson, Ida Adair, Robert Brown, Emma Jones, Alice Center, Katie Adair, Susan Daniels, and Levi Stover as Cherokee citizens by intermarriage.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Encl. 1-122.
Register.

(SIGNED)

Tamie Dixby.

Chairman.

COPY.

Cherokee Freedman
D-814.

Muskogee, Indian Territory, January 24, 1905.

Charles C. Smith,

Elliott, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated January 19, 1905, rejecting, among others, the application for your enrollment as a Cherokee citizen by intermarriage. A copy of the Commission's decision has this day been forwarded to your attorney, Edgar Smith, Vinita, Indian Territory.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Encl. L-80.

Register.

Tame Bixby.

Chairman.

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,

WASHINGTON, March 23, 1905.

Refer in reply
to the following:
Land.
7908-1908.

The Honorable,

The Secretary of the Interior.

Sir:

I enclose a report from the Commission to the Five Civilized Tribes, dated January 24, 1905, transmitting the record of the application for enrollment as Cherokee citizens by intermarriage to Cherokee freedmen by William Davis, Henry Thomas, Ella Vann, Mary Markham, Frances Melton, John Dotson, Mary Jane Vann, Thomas Love, Ella Mayfield, Sallie Elder, Reuben Campbell, Van Jackson Luther, Cassie Middleton, Mary Harlin, Yellie Fields, John Kinke, William S. Hadden, Jane Ross, Albert F. Thomas, Mary Campbell, Caroline Daniels, Selvina Alberty, Dove Morris, Alexander Claggett, Amanda Martin, Eliza Martin, John H. Barnes, Bell Davis, Samuel Brown, Howard F. Watson, Jack McConnell, Mamie Marley, George Reed, Sr., Buck Lohman, Bell Thompson, Louis Scott, Ma Scott, Kender Lupton, Thomas H. Allen, Louis Vanderford, John L. Bowlin, Katie Davis, Charles Williams, John J. Ross, Jane Martin, Lena Peterson, Alex Johnson, Martha Vann, John Scott, Nancy Ross, Charles C. Smith, Susie Gilbert, William Shaggs, Susie Johnson,

Alfred P. Hopkins, Klara Vann, Freddie Leoney, Lucy Chantson, Alice Durant, Mahaley Ward, Fred D. Thomas, Bettie Beck, Ellis Warren, Millie Robinson, Mary Webster, Frances Martin, Mary Riley, Emanuel Taylor, Henry Sykes, Larkin P. Powell, Steynady Bann, Malinda Vann, Frances Johnson, Annie Foster, Mary H. Rogers, George Washington Lane, Jane Brown, Samuel L. Young, John Beckner, Willis Cox, Leonard Bowles, Malinda Murrell, Charles Claggett, Samuel Irvon, Mary Ross, Maggie Nave, Ella Ross, Elizabeth Duncan, Sadie Adams, Georgiana Archer, John Claggett, Mattie Smith, Jack Jackson, Lula Sanders, George Handrig, Lillie West, Maria French, Mary Johnson, Maggie Vann, William Hudson, Sarah Rogers, Abraham Ballard, Laura David, John Deakman, James B. Perry, Isaac Welch, Lawson Logan, George Howell, Henry Masir, George Mims, Annie Thomas, Lewis McConnell, Callie Vann, Lou Peters, Ida Mair, Robert Brown, Allie Chambers, Isom Jones, Alice Genter, Katie Mair, Carrie Martin, Benjamin Clark, Emily Leoney, John Groves, Matilda McHair, Bettie Vann, Nelson Lett, Fannie Rogers, William Washington, Squire Warren Owens, Fannie Goldsby, Susan Daniels, Anderson Turk, David Lane, Felix McClain, Henderson Jones, Della Vann, Levi Stread, John Smpter, Mariah Thompson, Ellen Sheppard, and Lula Nelson.

January 19, 1908, the Commission decided adversely to all the applicants.

The record shows that none of the applicants makes claim to enrollment as citizens of the Cherokee Nation, except by intermarriage with a Cherokee Freedman; that none has ever been

enrolled or admitted to citizenship by any tribal authority of the Cherokee Nation or by any United States Tribunal and that none is identified on the 1888 authenticated Cherokee roll.

In view of the record and of the ruling of the Department of November 12, 1904, (I. T. D. 2848-1904) in the Lammal Welcome case, the approval of the Commission's decision adverse to all the applicants is recommended.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

V.M.M.
W.

D. C. 1887-1905
I.T.D. 1904-1905

(COPY)

W.C.P.
FIVE

L R 3

DEPARTMENT OF THE INTERIOR,

WASHINGTON,

April 17, 1906.

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

January 24, 1905, you transmitted the record in the matter of the applications for the enrollment of the following persons as citizens by intermarriage of the Cherokee Nation, including your decision of January 19, 1905, rejecting said applications, viz:

William Davis, Henry Thomas, Ella Vann, Mary Markham, Frances Melton, John Dotson, Mary Jane Vann, Thomas Laws, Ella Mayfield, Callie Rider, Nathan Campbell, Van Jackson Luther, Cassie Middleton, Mary Harlin, Nellie Fields, John Kinke, William S. Madden, Jane Neen, Albert T. Thomas, Mary Campbell, Caroline Quailie, Melvina Alberty, Dave Morris, Alexander Claggett, Amanda Martin, Elise Martin, John E. Barnes, Nell Davis, Samuel Brown, Howard F. Watson, Jack McConnell, Maude Hanley, George Reed Jr., Mack Johnson, Nell Thompson, Lewis Scott, Abe Scott, Kender Lampton, Thomas E. Allen, Lewis Vanderford, John L. Bowlin, Kacie Davis, Charles Williams, John T. Ross, Jane Martin, Lena Peterson, Alex Johnson, Martha Vann,

-2-

John Scott, Nancy Ross, Charles C. Smith, Susan Gilbert, William
Skaggs, David Johnson, Alfred P. Hopkins, Elsie Vann, Freddie
Leoney, Lucy Chouteau, Alice Durant, Mahaley Ward, Fred D. Thomas,
Bettie Beck, Ella Warren, Millie Robinson, Mary Webber, Frances
Martin, Mary Riley, Emanuel Taylor, Henry Sykes, Larkin P. Powell,
Stepney Gawn, Malinda Vann, Frances Johnson, Annie Foster,
Mary H. Rogers, George Washington Lane, Jane Brown, Samuel L. Young
John Buckner, Willis Cox, Leonard Bowles, Malinda Murrell,
Charles Claggett, Samuel Irven, Mary Ross, Maggie Hove, Neoma Hove,
Ella Lee, Elizabeth Duncanson, Katie Adams, Georgeanne Archer,
John Claggett, Mattie Smith, Jack Jackson, Lula Sanders, George
H. Selvig, Lizzie West, Maria French, Mary Johnson, Maggie Vann,
William Hudson, Sarah Rogers, Abraham Ballard, Laura David, John
Beckman, James B. Perry, Isaac Welch, Lawson Logan, George Howell,
Henry Masir, George Adams, Annie Thomas, Lewis McCormell, Callie
Vann, Lou Peters, Ida Adair, Robert Brown, Allie Chambers, Isaac
Jones, Alice Gunter, Katie Adair, Carrie Martin, Benjamin Clark,
Emil Leoney, John Groves, Matilda McHair, Nettie Vann, Nelson Lett,
Fannie Rogers, William Washington, Squire Warren Owens,
Fannie Goldsby, Susan Daniels, Anderson Turk, David Lane,
Felix McClain, Vanderson Jones, Belle Vann, Levi Strend, John
Sumpter, Mariah Thompson, Ellen Sheppard and Lula Veltor.

-5-

Reporting in the matter March 21, 1905, the Indian Office recommends that your decision be approved. A copy of its letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

Respectfully,

1 inclosure;

(Signed) THOS. HAN
Acting Secretary.

COPY

Cherokee Freedmen

D-514.

Muskogee, Indian Territory, April 28, 1906.

Charles C. Smith,

Elliott, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated January 19, 1905, rejecting your application for enrollment as a Cherokee citizen by intermarriage, was affirmed by the Secretary of the Interior on April 17, 1906.

Respectfully,

(SIGNED).

Tams Bixby.
Chairman.

COPY.

Cherokee Freedmen

D-514.

Muskogee, Indian Territory, April 28, 1906.

Edgar Smith,

Attorney for Charles C. Smith,

Vinita, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated January 19, 1905, rejecting the application for the enrollment of Charles C. Smith as a Cherokee citizen by intermarriage, was affirmed by the Secretary of the Interior on April 17, 1906.

Respectfully,

SIGNED.

Tams Bixby.
Chairman.

COPY.

Cherokee Freedmen

B-14, et al.

Muskogee, Indian Territory, April 22, 1905

Hall, Hastings & Davenport,
Attorneys for the Cherokee Nation,
Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the Commission's decision dated January 19, 1900, rejecting the application for the enrollment of William Davis et al., as Cherokee citizens by intermarriage, was affirmed by the Secretary of the Interior on April 17, 1905.

Respectfully,

(SIGNED) *Tame Bixby.*
Chairman.

COPY.

Cherokee Freedmen

D-14, et al.

Muskogee, Indian Territory, April 20, 1905.

Commissioner in Charge,

Cherokee Land Office,

Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated January 19, 1905, rejecting the applications for the enrollment of William Davis, et al., as Cherokee citizens by intermarriage, was affirmed by the Secretary of the Interior on April 17, 1905.

Respectfully,

SIGNED, *Tams Pixby,*
Chairman.

Muskogee, Indian Territory, March 19, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

This office is in receipt, by Departmental reference of March 10, 1906, for report and recommendation thereupon, of two letters from Jane Smith of Lenapah, Indian Territory, dated February 26, 1906, one addressed to the President and the other addressed to the Honorable Theo. J. Ryan, Assistant Secretary, in reference to the status of the citizenship and allotment selections in the Cherokee Nation of Emily Helen, Jane Smith, and James Colbert. She states that "people are filing on our lands, selling and leasing to oil Co. and the Lenapah Oil and Gas Co. are now operating an oil well on our lands," and that they have been to the Dawes Commission and United States Indian Agent for protection. She asks to be advised if they will be allowed to file contest on their land, and if it is "in your power to protect us or to stop this Lenapah Oil and Gas Co." She further states that "our cases are yet pending and people are coming in and taking possession and going to work operating oil wells."

In reply you are respectfully advised the records of this office show that applications were made to the Commission to the Five Civilized Tribes for the enrollment of Jane Smith (D-814), James Colbert (D-820), and Emily Nelson (Nelson) (D-811), as Cherokee freedmen; that their applications were embraced in the consolidated applications for the enrollment as Cherokee freedmen of Robert Ross, et al. (D-414 et al), in which the Commission on March 11, 1904, decided adversely to all of the applicants, and that on December 3, 1904 (I.T.D. 10738-1904), the Commission's decision was duly affirmed by the Department.

The land which these persons claim is not described and this office is unable to advise the status thereof. The records of this office do not show that Jane Smith and Emily Nelson have ever applied for land as their allotments in the Cherokee Nation. The records do show, however, that on December 24, 1904, before the Cherokee Land Office of the Commission was notified of Departmental action in the case, James Colbert appeared before that Office and made application, with a view to instituting contest proceedings therefor, for the SW/4 of the NE/4 of the SW/4, and the W/2 of the SE/4 of the SW/4 of Section 18, Township 27 North, Range 15 East of the Indian Meridian, which land had theretofore been selected as a part of the allotment for Jennet Bowles, and the E/2 of the SE/4 of the SW/4, same Section, Township and Range, which had theretofore been selected as a part of

the allotment for Peggie Sanders; on behalf of his minor child, Myrtle Colbert, Lot 3 of Section 18, Township 27 North, Range 15 East, and the NE/4 of the SE/4 of Section 13, Township 27 North, Range 14 East, which had theretofore been selected as a part of the allotment for Eliza Rateliff; on behalf of his minor child, Mable Colbert, the W/2 of the NE/4 of the SW/4, and the SE/4 of the NE/4 of the SW/4 of Section 18, Township 27 North, Range 15 East, theretofore selected as a part of the allotment of Jennet Bowles; the E/2 of the SE/4 of the SE/4 of Section 13, Township 27 North, Range 14 East, theretofore selected as a part of the allotment for Joe Waterdown, and the E/2 of the SW/4 of the SE/4, and the NW/4 of the NW/4 of the SE/4 of Section 18, Township 27 North, Range 15 East, theretofore selected as a part of the allotment for Geneva Vofford, and on behalf of his minor child, Minnie Colbert, the West 18.47 acres and the East 20 acres of Lot 2, Section 18, Township 27 North, Range 15 East, theretofore selected as a part of the allotment for Eliza Rateliff, and the SW/4 of the SE/4 of the SW/4, and the E/2 of the SE/4 of the SW/4 of Section 13, Township 27 North, Range 14 East, theretofore selected as a part of the allotment for Abner Waterdown.

The records further show that on January 16, 1905, the application made by James Colbert for the above described land was cancelled and the land regularly allotted to the respective parties above named, and certificates therefor have heretofore been issued.

The records of this office fail to show that any motion has been filed for review or rehearing of these cases, and, in the absence of anything to the contrary, it would not appear that they have any claim to land in the Cherokee Nation.

The letters above referred to are returned herewith.

Respectfully,

(Signed) *Wm O Ball*

Acting Commissioner.

Incl. 3-57

Through the

Commissioner of Indian Affairs.

(COPY)

DEPARTMENT OF THE INTERIOR

OFFICE OF INDIAN AFFAIRS
WASHINGTON.

Land.
25430-1906.

March 22, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to invite your attention to the enclosed letter of the 19th instant from William O. Beall, Acting Commissioner to the Five Civilized Tribes, wherein he says that his office is in receipt by Departmental reference of March 10, 1906 (I.T.B. 25430-1906), for report and recommendation thereon, of two letters from Jane Smith of Leaphah, Indian Territory, dated February 26, 1906, one addressed to the President, and the other to the Hon. Thomas Ryan, Assistant Secretary, concerning the status of the citizenship and allotment selections in the Cherokee Nation of Emily Nelson, Jane Smith and James Gilbert.

In her letter Jane Smith says that, "People are filing on our lands, selling and leasing to Oil Co., and the Leaphah Oil & Gas Co. are now operating an oil well on our lands," and that they have been to the Commission to the Five Civilized Tribes and the Indian Agent for protection. She asks to be advised if the persons named will be allowed to file content on their land, and if it is "in your power to protect us or to stop this Leaphah Oil & Gas Co." She also

says that, "Our cases are yet pending and people are coming in and taking possession and going to work operating oil wells."

Reporting, Mr. Beall says that the records of the Commissioner's office show that applications were made to the Commission to the Five Civilized Tribes for the enrollment of Jane Smith and James Colbert and Emily Helen (Helen) as Cherokee freedmen; that their applications were embraced in the consolidated applications for the enrollment as Cherokee freedmen of Robert Ross, et al., in which the Commission, on March 11, 1904, decided adversely to all the applicants; and that on December 3, 1904, the Commission's decision was duly affirmed by the Department.

He also says that the land which these persons claim is not described and he is therefore unable to report on its status. The records of his Office do not show that Jane Smith and Emily Helen have ever applied for land as their allotments in the Cherokee Nation. The records of the Commissioner do show, however, that on December 24, 1904, before the Cherokee land office of the Commission was notified of the Departmental action in the case, James Colbert appeared before that office and made application, with a view to instituting contest proceedings therefor, for the SW/4 of the NE/4 of the SW/4, and the W/2 of the NE/4 of the SW/4 of Section 16, Township 27 North, Range 16 East of the Indian Meridian, which land had theretofore been selected as a part of the allotment for Jennet Beales, and the N/2 of the NE/4 of the SW/4, same Section, Township and Range, which had theretofore been selected as a part of

the allotment for Feggie Sanders; on behalf of his minor child, Myrtle Colbert, Lot 3 of Section 18, Township 27 North, Range 15 East, and the NE/4 of the SE/4 of Section 18, Township 27 North, Range 14 East, which had theretofore been selected as a part of the allotment for Eliza Ratsliff; on behalf of his minor child, Mabel Colbert, the N/2 of the NE/4 of the SW/4, and the SE/4 of the NE/4 of the SW/4 of Section 18, Township 27 North, Range 15 East, theretofore selected as a part of the allotment of Jennet Bowles; the N/2 of the SE/4 of the NE/4 of Section 18, Township 27 North, Range 14 East, theretofore selected as a part of the allotment for Joe Waterson, and the N/2 of the SW/4 of the SE/4, and the NW/4 of the SW/4 of the SE/4 of Section 18, Township 27 North, Range 15 East, theretofore selected as a part of the allotment for Geneva Wafford, and on behalf of his minor child, Minnie Colbert, the West 18.47 acres and the East 20 acres of Lot 2, Section 18, Township 27 North, Range 15 East, theretofore selected as a part of the allotment for Eliza Ratsliff, and the SW/4 of the SE/4 of the SW/4, and the N/2 of the SE/4 of the SW/4 of Section 18, Township 27 North, Range 14 East, theretofore selected as a part of the allotment for Ahnawake Waterson.

Mr. Beall adds that the records of the Commissioner further show that on January 16, 1905, the application made by James Colbert for the land above described was cancelled and the land regularly allotted to the respective parties named, and certificates therefor have been issued; that the records of the Commissioner's office fail to show that any action has been

filed for review or rehearing in these cases, and in the absence of anything to the contrary, it does not appear that Jane Smith, Emily Helen or James Gilbert have any claim to land in the Cherokee Nation.

In view of the report of the Acting Commissioner, I recommend that Jane Smith be advised that since she and the other persons in behalf of whom she writes are not recognized citizens of the Cherokee Nation, that they have no rights to Cherokee lands and cannot be protected in their occupancy of such lands.

Very respectfully,

G. F. Larrabee

Acting Commissioner.

EDH-Y.

Y.P.

DEPARTMENT OF THE INTERIOR,

WASHINGTON,

F.H.

D.C. 12735-1906.
I.T.D. 2892-1905.
5194-1906.

April 4, 1906.

LRS

The Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

The Department is in receipt of the Acting Commissioner's letter of March 19, 1906, relative to two letters from Jane Smith concerning the status of the citizenship and allotment selections in the Cherokee nation of Emily Nolan, Jane Smith and James Colbert.

On March 20, 1906, you were advised of the filing of a motion to reopen the Cherokee enrollment case of Robert Ross, et al, with which were consolidated the cases of the parties above mentioned, and you were directed to take proper action to protect the applicants in such rights as they might have.

You will immediately advise all the principal applicants that they are at liberty to file contest, under the rules governing your office in similar cases, to protect their rights to any lands they may claim they would be entitled to in case a decision by the Department is rendered in their favor in the pending citizenship case. Advise W. J. Sullivan, of Muskogee, the party who filed the motion to reopen, heretofore, and advise any adverse claimants, promptly, of the filing of any application to

content, and also the U. S. Indian Agent, Union Agency, in order that he may be fully informed in the case of any matter coming before him involving the land.

A copy of Indian Office letter of March 24, 1906, submitting the Acting Commissioner's report, is inclosed.

Respectfully,

Wm. Ryan.

First Assistant Secretary.

1 inclosure.

Through the Commissioner
of Indian Affairs.

Cherokee
P R 636 et al.

Muskogee, Indian Territory, April 11, 1906.

Chief Clerk,

Cherokee Land Office.

Dear Sir:

There are inclosed herewith two copies of Departmental letter of April 4, 1906 (I.T.D. 2852-1905, 5194-1906), in reply to this office letter of March 19, 1906, relative to two letters from Jane Smith concerning the status of the citizenship and allotment selections in the Cherokee Nation of Emily Nolen, James Smith, and James Gilbert. The Department refers to its letter to this office of March 30, 1906, advising that a motion has been filed to reopen the Cherokee freedman case of Robert Rose, et al., and instructs this office to advise all of the principal applicants in said case that they are at liberty to file contest under the rules governing this office in similar cases, to protect whatever rights they may have to any land in the Cherokee Nation.

The Department also directs that W. J. Sullivan of Muskogee, Indian Territory, the party who filed said motion, be advised of the Department's instructions, and also to promptly advise any adverse claimants of the filing of any application to institute contest, and the U. S. Indian Agent, Union Agency, in order that he may be fully informed in the case of any mat-

Chief Clerk--2.

ter coming before him involving the land.

The principal applicants in each of the Cherokee freedmen cases included in the consolidated case of Robert Rose, et al., and W. J. Sullivan of Muskogee, Indian Territory, have this day been advised of the Department's letter and notified if any land in the Cherokee Nation which they have heretofore held as the prospective allotments of themselves and family, should they be enrolled as Cherokee citizens, and on which they have permanent and valuable improvements has been selected in allotment by other citizens of the Cherokee Nation, they will be permitted to appear before the offices of the Commissioner at the earliest practicable date and their applications to institute contest proceedings therefor will receive due consideration.

Respectfully,

Incl. GL-11.
GHL

Acting Commissioner.

Cherokee
F R 636 et al.

Muskogee, Indian Territory, April 11, 1904.

W. J. Sullivan,

Attorney for Robert Rose, et al.,
Muskogee, Indian Territory.

Dear Sir:

The Department in its letter to this office of April 4, 1904, referring to its letter of March 30, 1904, in reference to the motion to reopen the Cherokee freedman enrollment case of Robert Rose, et al., instructs as follows:

"You will immediately advise all the principal applicants that they are at liberty to file contest, under the rules governing your office in similar cases, to protect their rights to any lands they may claim they would be entitled to in case a decision by the Department is rendered in their favor in the pending citizenship case."

You are advised that the principal applicants in each of the cases included in the consolidated case of Robert Rose, et al., has this day been notified that if land in the Cherokee Nation, which he has heretofore claimed as the prospective allotments for himself and the members of his family and on which he has permanent and valuable improvements, has been selected in allotment by other citizens of the Cherokee Nation, he will be permitted to appear before the office of the Commissioner at the earliest practicable date and his ap-

W. J. Sullivan--2.

plication to institute contest proceedings therefor will then receive due consideration.

For your information there is inclosed herewith a copy of Departmental letter referred to.

Respectfully,

Incl. GL-10.
GHL

Acting Commissioner.

Cherokee
F R 647.

Muskogee, Indian Territory, April 11, 1906.

Charles C. Smith,

Elliett, Indian Territory.

Dear Sir:

In letter to this office of March 30, 1906, the Department advises that a motion had been filed to reopen the Cherokee freedman enrollment case of Robert Reese, et al., with which was consolidated your application for the enrollment of yourself and family as Cherokee freedmen. The Department in its letter of April 4, 1906, referring to said case, instructs this office as follows:

"You will immediately advise all the principal applicants that they are at liberty to file contest, under the rules governing your office in similar cases, to protect their rights to any lands they may claim they would be entitled to in case a decision by the Department is rendered in their favor in the pending citizenship case."

You are, therefore, hereby notified that if any land in the Cherokee Nation on which you have permanent and valuable improvements, and which you have heretofore held as your prospective allotments in the Cherokee Nation in the event you were enrolled as Cherokee freedmen, has been selected in allotment by other citizens of the Cherokee Nation, you will be permitted to appear before the offices of the Commissioner at the

Charles C. Smith--2.

earliest practicable date at which time your application to
institute contest proceedings therefor will receive due con-
sideration.

Respectfully,

GHL

Acting Commissioner.

Cher. Fr. R. 648

Trans. from Fr. D. 515

Cher. Fr. R. 648

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T. May 9, 1901.

In the matter of the application of Aaron Webber for enrollment as a Cherokee Freedman.

Aaron Webber, being duly sworn and examined by Commissioner Needles, testified as follows:

- Q What is your name? A Aaron Webber.
- Q How old are you? A 36 I think.
- Q What is your post office address? A Wymer, Cherokee Nation.
- Q What district do you live in? A Cooweescoowee district.
- Q Do you apply to be enrolled as a Cherokee Freedman? A Yes, sir.
- Q Do you want to enroll anybody besides yourself? A Just myself.
- Q Have you ever applied to be enrolled by any other tribe or Nation besides the Cherokee Nation? A Yes, sir, the Clifton Court and the Wallace Court.
- Q The you apply to any other Nation, the Creeks? A No, sir.
- Q Never drew any money from any other Nation? A No, sir, I didn't.
- Q Have you been recognized by the Cherokee authorities as a Cherokee citizen? A Yes, sir.
- Q Is your name on the roll of 1880? A It is on this roll here Mr. Bledsoe has got here; I ~~was~~ come with my brother Sam Webber.
- Q Is your name on the roll of 1880? A No, sir.
- Q Did you ever drew your strip payment money? A Yes, sir.
- Q How much did you draw? A \$15.50, and then I drew this other payment, this last payment, I drew it.
- Q You drew the last payment? A Yes, sir.
- The 1880 authenticated roll of Cherokee Freedmen examined and the applicant not identified thereon.
- The 1896 census roll of Cherokee Freedmen examined and the applicant not identified thereon.
- The Kerns-Clifton roll examined, and the applicant identified thereon, page 126, No. 315, Cooweescoowee district.
- Q Were you a slave before the war? A Yes, sir.
- Q Who did you belong to? A Takie Webber.
- Q Was she a Cherokee citizen? A Yes, sir.
- Q Where did you go during the war? A Went to Kansas.
- Q When did you come back from Kansas? A Came back in 1866.
- Q You been living here ever since? A Yes, sir.
- Q Are you married? A No, sir.
- Q Ever been married? A No, sir.
- Q Got no children then? A No, sir, I haven't.
- Q You are certain you came back in 1866? A Yes, sir, I did.
- Q Who did you come back with? A Sam Webber and my father.
- Q Why is your name not on the roll of 1880? A Why I can't tell you about that.
- Q Did you ever try to have it put on? A Yes, sir.
- Q They refused to do it? A Yes, sir, must have, for it aint there.
- Mr. W. W. Hastings; attorney for Cherokee Nation: You say you returned with your brother Sam? A Yes, sir, I did.
- Q Did you come the first time he came out here? A Yes, sir, I did.
- Q What time of the year was it? A '66.
- Q What time in the year '66? A Well you see I can't read and I can't write, I didn't keep no count of the days and the months because my owner's didn't give me time to get my education.
- Commissioner: Was it in the fall or summer? A It was along in March when I came back in 1866.
- Mr. Hastings: Was it the March after the treaty was made? A Yes, sir.
- Q You are certain of that? A Yes, sir, I am.
- Q And you came back with him at that time? A Yes, sir.
- Q Did he bring his family along then? A Yes, sir.
- Q His wife and children? A Yes, sir.
- Q He had already been out there and put up a house? A Yes, sir, I had come out before that and I come with him, and we put up a house and I came back with him in '66.

Q The first time you came back was in March after the treaty was made? A Yes, sir, that is when we moved there.

Q How long before that was it when you came out? A I can't give the days of the months, how long it was we came out, but we came and put up a house ove fall and went back and came right on down.

Q About how long did you stay out here when you had put up the building? A We stayed three or four days and then went right back and moved down.

Q What kind of buildings did you put up? A We put up a log cabin.

Q Out on Big Creek? A Yes, sir.

Q How far from where Sam now lives? A Sam lives on the north side of Nowata and we live up there on Big Creek, I can't tell you exactly how many miles, but he lives at Nowata and we live up there on Big Creek.

Q What old citizen lives near where you first located, where you first located when you first moved out? A There isn't anybody lives there now.

Q Name some old citizen who lives at the place now where you located then? A Sam Webber.

Q Does Sam Webber live at that place now? A He did live there but he don't live there now.

Q Who lives at the place Sam and you came to? A The Neigs and Whitmires and Sanders, and a whole lot of them.

Q You have lived there ever since? A Yes, sir.

Q You came out in wagons the first time? A Yes, sir, because Sam Webber drove the ox wagon and I drove the horse wagon.

Q Do you know anything about dates? A I know when they say the year is out, and this year is in.

Q What year is this? A If I am not mistaken I think this is May.

Q The year though? A I can't tell you exactly what year it is, because I am not educated like you smart men.

Q You are satisfied in '66 you came here in March? A Yes, sir.

Commissioner: Do you know when the treaty was adopted, know what month it was adopted in, the treaty, you told Mr. Hastings you came here the March after the treaty was adopted; you don't know what month in 1866 the treaty was adopted? A No, sir, I don't.

Q Have you got any witnesses? A Yes, sir, Sam Webber, and Abe Hare.

Sam Webber, being duly sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A Sam Webber.

Q What is your age? A About 58, somewhere nearabout that.

Q What is your post office address? A Nowata.

Q Are you a recognized citizen of the Cherokee Nation? A Yes, sir.

Q Your name on the 1880 roll? A Yes, sir.

Q Do you know Aaron Webber? A Yes, sir.

Q Is he any relation to you? A He is my brother.

Q Was he a slave? A Yes, sir.

Q To whom did he belong? A Takie Webber.

Q Was she a Cherokee citizen? A Yes, sir.

Q By blood? A Yes, sir.

Q Where was he during the war? A He was with us in Kansas.

Q When did he come back? A He came with us when we came back in July.

Q You came in in July from Kansas and he came with you? A Yes, sir.

Q What year was that in? A In 1866.

Q He was a slave the same as you? A Yes, sir, same as me, with the same owners.

Q Ought to be entitled to the same rights you have got? A Yes, sir, have just the same right, belonged to the same parties too.

Mr. Hastings: Q What time of the year was it you say you brought him back? A We came in July and built houses and went back and moved down.

Q You had heard of the treaty passed? A We came right in the same month the treaty was made in because we overtook the delegates

at Fort Scott.

Q You had heard of the treaty before you left there? A As soon as we arrived at Fort Scott and talked to them, and they told us they had made a good treaty.

Q And you came on down and he came with you? A Yes, sir.

Q Did you bring your families at that time? A I didn't have any family then.

Q The rest of the people, they come along? A Yes, sir, I was small myself. I was with father, we came and built and went and moved some of them after that.

Q How long did you stay down there at this time? A I didn't stay long, I couldn't tell you just how long we really stayed, we didn't stay only long enough to fire claims and cut logs and build shanties.

Q Who lives up there at the place that you located, now? A Reuben Sanders lives right where I built my house, he is living there to-day Mr. Bell: Where did you start from when you started from Kansas

down to Big Creek? A Started from a little creek six miles south of Mound, said to be about twenty miles north of Fort Scott.

Q Had you started to the Cherokee Nation when you came across these delegates at Fort Scott? A Yes, sir.

Q What was your notion about starting? A I had been down here and looked through the country and went back and told them the war was over here as well as everywhere else, and let's come home.

Q You hadn't started then with a view to saving your rights here under the treaty? A We didn't know nothing about the treaty, it wasn't made when we started as we knowed of, until we got to Fort Scott, and we saw the delegates.

Q What time was that? A Along in the last part of July, the last week in July, as near as I can remember.

Commissioner: When Aaron says he came in March he is mistaken?

A He is mistaken, he don't know dates; he is not bright enough to know dates.

Abraham Hare, being duly sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A Abraham Hare.

Q How old are you? A About 70.

Q What is your post office? A Wymer.

Q Are you a Cherokee Freedman? A Yes, sir, claim to be.

Q Your name is not on the roll of 1880, is it? A No, sir.

Q Were you a slave? A Yes, sir.

Q What was your owner's name? A Arlie Hare.

Q Do you know Aaron Webber? A Yes, sir.

Q Was he a slave? A Yes, sir.

Q To whom did he belong? A Takie Webber.

Q Well, did you know Aaron Webber before the war? A Yes, sir.

Q Did he go out of the Cherokee Nation during the war? A Yes, sir.

Q Did you go out? A Yes, sir.

Q What made you colored people go out during the war? A We couldn't stay here.

Q Thought it was safer to go out? A Yes, sir, I had to go out.

Q Why couldn't you stay here? A They wouldn't let us.

Q Who wouldn't let you? A The Rebels and the Yankees neither one.

Q Where was Aaron Webber during the war? A He was with his father up in Kansas.

Q When did he come back? A He come back in the fall of '66.

Q How do you know? A I come with him.

Q And you came at that time? A Yes, sir.

Q Have you known Aaron Webber since that time? A Yes, sir.

Q Was he always lived in the Cherokee Nation? A Yes, sir, lives right by me now.

Mr. Hastings: Your rights are disputed? A Yes, sir, same as his.

Q You were in here this morning; your case was presented? A Yes, sir.

Commissioner. Aaron Webster applied for the enrollment of himself as a Cherokee Freedman. His name does not appear upon the authenticated roll of 1880, but does appear upon the Kerns-Clifton pay-roll. By reason of the protest of the Cherokee Nation the name of Aaron Webster will be placed upon a doubtful card awaiting further consideration of the Commission.

Bruce O. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereon.

Bruce O. Jones.

Sworn to and subscribed before me this the 10th of May, 1901.

C. B. Breakinridge.

Commissioner.

Department of the Interior
Commission to the Five Civilized Tribes,
Winita, I. T. October, 30th, 1901.

SUPPLEMENTAL TESTIMONY in the matter of the application of Joe Moss
C. F. D. 360.

Appearances:

W. F. Hastings for the Cherokee Nation;
Mollette & Smith for the applicant.

DOUGLAS WALKER, being first duly sworn by Commissioner C. B. Breakinridge, testified as follows for the Cherokee Nation.
(By the Commission)

Q Give me your full name? A Douglas Walker.

Q How old are you? A 30.

Q What is your post office? A Round City, Kansas.

(By Hastings)

- Q How long have you lived in Mound City, Kansas? A Since May 1857.
- Q What was your father's name? A James Walker.
- Q What was your mother's name? A Miama Walker.
- Q Was your father and mother here the first of the month? A Yes sir.
- Q They testified in this matter at that time did they? A Yes sir.
- Q Do you know Samuel Webber? A Yes sir.
- Q Did you know his son Samuel Webber? A Yes sir.
- Q Where did you know them? A Near Mound City, Kansas; in the neighborhood where I live.
- Q Do you know the applicant here? Joe Ross? A I knew him as Joe Webber.
- Q Is the the same fellow? (pointing) A Yes sir.
- Q Where was he living at the time? A He lived with the older Sam Webber at the time.
- Q You know this applicant here is the same party? A Yes sir.
- Q Did you know a woman named Chlora? A Yes sir.
- Q What relation was she to Joe Ross? A Sister.
- Q Did you know Aaron Webber a little dark legged fellow? A Yes sir.
- Q Where did you know him? A In the same family in Mound City, Kansas, Linn County.
- Q Whose farm did Samuel Webber live on, if you know? A He lived on a farm that belonged to a man named Jeff Flemmings.
- Q I mean in the year 1866? A My father bought the farm.
- Q Of whom did he purchase the farm? A Of Flemmings.
- Q Do you know where young Sam Webber was married? A He was married there in Linn County, near Mound City, in the neighborhood there, where I was living.
- Q Did he marry before or after he moved from that country? A Before he moved.
- Q Mr. Walker, have you looked up the date of when your father purchased that farm? A Yes, sir.
- Q The date of the deed? A Yes sir.
- Q What was that date? A The date of the deed is October '66.
- (By Mr. Smith) Object to that if you have not the deed.
- (By Mr. Hastings) Have you looked up the date? A Yes sir, but have forgotten the exact date as to days.
- Q At that time, where was Sam Webber living? A On this farm that father purchased.
- Q Where was young Sam living at the time he married? A On this farm on the same place.
- Q What is your best judgment as to the time Sam Webber, including Joe Ross, Chlora Grayson and Aaron Webber left that country with their women folks and come to this country? A According to my best recollection it was the latter part of February or early in March of '67, I can't state exactly the month; early in the spring of '67 though.
- Q Did they all move down at the same time? A All started together.
- Q Left there together? A Yes sir.
- (By Mr. Smith)
- Q You say you know that this applicant in this case is the same man that you knew at that time in Kansas as Joe Webber? A Yes sir.
- Q How did you know it? A I recognized his countenance as one man knows another.
- Q How? A Well I saw him.
- Q When? A Today.
- Q Where? A On the street.
- Q And you know him as Joe Webber? A Yes sir, the name Joe Ross was not used much.
- Q When did you first become acquainted with old man Sam Webber? A In '63 he moved on that farm.
- Q Which farm? A The farm my father bought in the neighborhood where I lived, the old Flemming farm.
- Q When did your father buy that farm? A In the fall of '66, I have forgotten the exact day, in October or September.

Q Who owned the farm at the time old man Sam Webber was on it? A Jeff Flemming owned it until my father bought it.

Q How do you know it was '63 that you became acquainted with Sam Webber? A I remember that it was during the last years of the war and the refugees were coming into Kansas, both white and black, in '63 and they were amongst them.

Q Did any come after '63? A Yes sir some came later and some came earlier, and I remember again by this farm, I remember how long they farmed it before we got it.

Q How long? A Three years--four years in the spring of '67.

Q They farmed it four years before your father got it? A They farmed from '63 to '67.

Q You say the reason you knew that you knew this man in '63 was because you knew how long they worked this farm before your father got it? A Yes sir.

Q You say it was in September of 1867 that your father bought that farm? A In '66.

Q You are positive about that? A Yes sir we got possession the first of March '67.

Q Did old man Sam Webber rent this place from your father? A No sir he rented it from Flemmings.

Q Did Sam Webber, the old man and the boys, come down here or leave that country in the fall of '65? A I think not.

Q Don't you remember that they did and that the old man came back by himself one time? A If my memory serve me, it was in '66, late in the summer, or early in the fall of '66.

Q What was in the fall of '66? A That they came down here--started away from there.

Q Who came then? A Sam Webber, the old man, and young Sam and Aaron.

Q What is your recollection as to how long they staid? A They came back I think in November or late in October.

Q Well which came back first? A Why I think the older Sam Webber came first.

Q How long do you think it was before you saw Sam Webber Jr. again? A Well, it was a short time, a month or so--I can't recollect that, it is a good while ago.

Q Who helped Sam Webber make a crop in '65? A Johnson Webber and the old man Sam made a crop in '66.

Q Who helped him? A Them two and the little boys I think worked too; Aaron did, I don't know but as Joe did too, I don't remember much about that.

Q Where was old man Sam Webber in July 1866? A That summer he raised that crop and worked part of the summer for my father on this farm.

Q Is it not a fact that in July of 1866 that Sam Webber Jr. came here for his father and that they left there for this country to build some houses? A That is not the way I remember it.

Q You have stated that it was a long time ago, do you think that you remember the dated absolutely? A Not to the day or month exactly, but that is my best recollection.

Q Are you testifying to the best of your recollection? A Yes sir.

Q Do you remember of Sam Webber Jr. bringing any hides to that country? A Yes sir.

Q When was that? A In the fall or beginning of the winter of '66 and '67 he brought some hides and furs.

Q To refresh your memory, was it not in March? A March when? Q '66? A No sir.

Q Upon what trip was that that he brought these hides? A He left and said he was coming down on a hunting trip.

Q Was that the trip when he left Kansas and when old Sam returned first that you speak of a while ago? A Yes sir, that was the one, the same trip.

Q Do you remember of Sam Webber selling out a crop up here? A I don't.

Q Do you remember of them leaving there to come to the Territory to build some houses? A Yes sir.

- Q Was that after the time that he brought the hides there? A It was that trip that he left there for the purpose of building some houses that he brought the hides when he returned.
- Q Dont you remember of them leaving there to come to the Territory for the purpose of building houses? A Well that was wither in the spring or winter, in the latter part of February or early in March I have not given the matter any considerable study.
- Q How do you fix the dates you have given? A I remember them and then by the dates I have looked up.
- Q What dates have you looked up? A The purchasing of this land.
- Q Are you testifying from the date of the purchase of that land? A Father bought the place in the spring of '66 on condition and paid \$80 down, or traded cattle, as a forfeit, and in the fall he got some money and got full possession of the place; Webber had possession until the first of March, that is the Kansas law, from the first of March one year until the first of March the next year; they had possession of it until March first 1867.
- Q Mr. Walker, when you had occasion to investigate this matter, you had forgotten all about it practically hadn't you? A No sir, but it was something I had not thought much of.
- Q You couldn't have told on the moment what year Sam Webber left there could you? A I would have had to look at the dates.
- Q Then you are not testifying from your recollection, but from the dates that you have looked up since? A Part of it is from recollection and part of it is from looking up the dates.
- Q How long has it been since you thought of the time Sam Webber left that country before you made this investigation? A I was asked the question as to when they moved and I hadn't given the matter any thought till then.
- Q You didn't know then did you? A Yes sir after I thought it over.
- Q How long did it take you to think it over? A I dont exactly remember.
- Q Can't you give us some idea of it? A 2 or 3 weeks.
- Q Were you here when your father testified in this case? A Yes sir.
- Q Did you know as much about it then as you do now? A No sir.
- Q How long was that from the time you had first been 'spoked to about the date? A I had not expected then to give testimony in this case and had not thought much about it.
- Q What were you doing here then? A I was subpoenaed in another case.
- Q You had been talking about this case then? A Not much.
- Q How much? A A word or two.
- Q And you were here all the time your father and mother were her and yet didn't testify in this case? A Yes sir.
- Q You went back to Kansas? A Yes sir.
- Q And came back here again to testify? A Yes sir.
- (By Hastings)
- Q You were subpoenaed by the Cherokee Nation? A Yes sir.
- (Continued by Stenographer J. O. Rossen)

Chas. von Weise, being sworn states that as stenographer to the Commission to the Five Tribes, he reported in full the above cause and that the foregoing is a true and complete transcript of his stenographic notes therein.

Chas. von Weise.

Subscribed and sworn to before me this the 9th of November, 1901.

T. B. Needles,

Commissioner.

The undersigned, being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes he made the foregoing copy and that the same is a true and complete copy of the original..

Roy Palmer

Subscribed and sworn to before me this the 14th day of August, 1902.

Brantley Jones
Notary Public.

Before Commissioner Brockinridge, at Tahlequah, I.T., Supplemental C.F.D.-350, Joe Ross.

(By Stenographer: This following testimony was originally taken down by stenographer J.O. Rossen, and afterwards dictated by him to stenographer M.D. Green.)

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HENRY C. SHORT, being sworn and examined by Commissioner Brockinridge, testified as follows:

Q Give me your full name? A Henry C. Short.

Q How old are you, Mr. Short? A 43.

Q What is your post office? A Mound City.

Q In the Cherokee Nation? A In Kansas.

BY MR. HASTINGS:

Q How long, Mr. Short, have you lived in and about Mound City, Kansas? A Well ever since the spring of 1857.

Q What was your father's name? A John Short.

Q Were you living there in the years '66 and '67? A Yes sir.

Q Were you living in town or in the country? A Living in the country.

Q Do you know Douglass Walker that left the stand? A Yes sir.

Q Did you know a colored man by the name of Sam Webber up there?

A Yes sir.

Q Do you know that young Sam Webber, his son? A Yes sir.

Q Do you know Joe Ross? A Yes sir.

Q This is the man there? (Pointing to the applicant.) A I wouldn't have known him unless he had been pointed to me. They always called him Joe; I don't remember about him being called Joe Ross up there.

Q Have you talked to him? A Just spoke to him.

Q Did he recognize you as being the man? A He recognized me as being Short by telling him who I was and where I was from; he claimed that he was one of the boys.

Q Do you know Aaron Webber, a little duck legged fellow? A Yes sir.

Q Where did you live in the spring of '66? A In Linn County, on Elk Creek, in Kansas.

Q Did you live on the same place in the fall of '66? A Yes sir.

Q Did you live in the same house? A I lived in the same house now that I moved into in the fall of '66.

Q Well now what time in the fall did you move into it? A Well now it was the last of October or the first of November, I won't say which; along about in them times I moved, that is my folks moved; of course I was small, I moved there after that from the west part of the place to the east part of the place.

Q Do you know where Sam Webber was at that time? A They lived there at that time in the fall of '66 they lived on the place known as the Fleming place, adjoining farms of ours.

Q Were they living there when you moved? A That fall?

Q Yes sir? A They were living there then.

Q I will ask you what is your best judgment as to the time they moved with their families and left that country? A Well I could not say just how, for I have got nothing to fix them dates. The best of my judgment they left there in February.

Q February now of what year? A Of '67, I would say that, but now I aint certain, I aint got no opinion about what time they left.

MR. SMITH: Now I move to strike out the testimony to that effect, because the witness says that is his opinion.

Commission: We will take it for what it is worth and let the Commission pass on it.

BY MR. HASTINGS:

Q That is your best judgement? A Yes, sir.

Q That is your best recollection? A (No response.)

Q You said I believe you knew they were there in the fall? A Yes sir, that is all I can state positively, I don't know how long they were there.

Q You know that by your move? A Yes sir, that is the one thing I have got you know.

Q Do you know Joe's sister, Chlora? A Yes sir, there was a girl there called Chlora, I supposed it was Joe's sister.

BY MR. SMITH:

Q Mr. Short, how old were you in '66? A About 13 years old, September 6, 1866.

Q Now when were you asked first as to the time when Sam Webber left that country? A When was I asked first.

Q Yes? A I think it was last Sunday.

Q Well you didn't know did you? A No, I don't know yet what day he left there at all.

Q Did you have that opinion then? A Yes, I have the same opinion I got now; it was the best of my opinion they left in the spring; got nothing to say they did or did not.

Q Where was Sam Webber, Jr., in February 1866? A I don't know.

Q There was he in October, 1865? A He was on the Creek.

Q Did you see him? A Yes, he was there; he hadn't moved; he come down here and went back again in the fall; and the whole family was all there in the fall.

Q That was in the fall of 1865 was it? A Fall of 1866.

Q I am talking about 1865? A Well they was there too.

Q Did you see him? A Yes, of course they was there.

Q Of course, well how do you know, did you see him? A Yes I saw him. Where did you see Sam Webber in the fall of 1865? A Oh I don't know; he worked some for us.

Q Did he work for you in the fall of 1865? A Worked for my grandfather some.

Q That young Sam Webber? A Yes, sir.

Q You say you knew young Sam Webber, the younger of the two? A Yes, sir; I knowed young Sam and old Sam too.

Q Did you know young Sam Webber, called Sam Webber, Jr.? A Yes sir, of course it has been a long time from the time I saw him, from the time he left there until I come down here; saw him the first time as soon as I moved there.

Q What did you say about his being a boy? A I suppose he was a young man, I couldn't say as to that.

Q What about Joe Ross, was he a boy? A Yes sir, Joe was younger than me if I am not mistaken? A Wasn't much difference in the ages; but I think he was younger than me.

Q Now is it not a fact that Sam Webber and his father old Sam Webber and Aaron Webber came to the Cherokee Nation in the fall of 1865?

A I think not, I don't think they did; they was there in 1865 but they was going and coming all the time; they come down in 1866 and located.

Q They came in 1866 and located? A Yes sir, but they come back and got their family.

Q Now you know only that they were there in 1866? A I know they were there in '66.

Q You don't know what time in '66 they were there? A They were there before '66.

Q Well I am talking about '65; were they there in the spring of '65? A I couldn't say what time of the year; I think they were there all the time.

Q You don't know whether they were there all the time in 1866 or not? A No sir, I couldn't say they was.

Q Do you remember Sam Webber Sr. and Sam Webber Jr. and Aaron Webber coming down to the Cherokee Nation at any time? A They come down in the summer of '66 I think, directly after crops was made; they come down here and they went back together back up there in the fall.

Joe Ross (supp'd) 7.

- Q Well did they ever come back together? A I don't know whether they did or not; Aaron didn't come back I don't think.
- Q What about Sam Jr., did he come down with his father? A Yes sir, I don't know whether Aaron came back or not; I know Sam and the old man came back and got the family.
- Q Do you know what they came back together? A Yes, I am pretty sure that they came back, I know I saw them afterwards.
- Q Do you remember of Sam Webber Jr. ever bringing any hides into the country? A No sir, I don't remember; I remember Sam telling me he had his cabin up.
- Q When did he tell you he had his cabin up? A In the fall of '66.
- Q He had been down here in the fall of 1866 and had built a cabin? A Yes sir, he told me he had his cabin built.
- Q And now that final year when they took all the people out you think was in that time? I don't know, but it runs in my mind as February or March; I don't know anything about that.
- Q What year? A '67.
- Q You say you won't say anything about that? A I don't know whether it was or not.
- Q You don't know whether it was or not? A No sir, that is a fact; but it was in my mind it was.
- Q Where was Sam Webber during the winter of 1866 and '68, the winter that commenced with December, 1866 and ends with February 1867? A I think he was there.
- Q Well, did you see him there? A Yes, I think he was there pretty much all the time.
- Q Well do you know that? A I got no way to fix it; that's my opinion he was there.
- Q You can't state it positively that he was or was not? A I know most of them were there and I believe he was too.
- Q You can't state that positively? A No sir, not unless I got something to fix the date.
- Q You won't say that? A No sir.
- Q Now can you remember about Sam Webber coming up there in the spring of 1866 and bringing some last hides? A No sir, I can't remember; of course when I was a long time ago; now I have got those things fixed in my head that was in the fall of '66 I was moving from one place to the other, and that was in the fall.
- Q You didn't go off of that farm? A No sir, just moved from the west to the east side.
- Q And you were a boy about 13 years old? A Yes sir.
- Q What is there in that to fix the date in your mind it was in 1866 or more than 1866 you moved? A I know we moved from the things that occurred; the house in the family of a young man that was there; I know it was '66.
- Q How about that now; about the deaths in the family? A There was a young man died in the family in '66, 3 years after we moved there it must have been from the things that he did when we moved from one house, but he didn't move in his house at all.
- Q You don't seem to be positive about any of these dates you give? A Why I do, when the family moved over, remember that fact.
- Q I mean about Webber's movements? A They was all there in the fall of '66; they was all there in October or November one of the two months, because we moved then.
- BY MR. WATKINS:
- Q Now you never missed them up there in 1866 did you? A No sir.
- Q Well, as I object to that, it is not competent whether he missed them or not.
- Q Did you ever miss them up until the summer of 1867? A No sir, I have no recollection of them leaving there until that.
- Q What is your first recollection of them leaving? A Yes, sir.
- Mary A. Hicks, being sworn and examined by Commissioner Breakenridge, testified as follows:

Q Give me your name, Madam? A Mary A. Hicks is the way I sign my name.

Q How old are you? A If I live to the 21st of next month I will be 60 years old.

Q What is your past-officer? A Master.

Q Is that in Kansas? A Yes sir.

MY MR. HAYES.

Q How far do you live from Kansas City, Kansas, Mrs. Hicks? A I live six miles.

Q How long have you lived in that neighborhood? A Ever since the spring of 1857.

Q You were living there then after the war? A Living there in the time of the war.

Q Do you know Mrs. Walker, Douglass Walker, that has been on the stand? A Yes sir.

Q Do you know Mr. Short that left the stand here? A Yes sir.

Q Mrs. Hicks, did you know of a man up there by the name of Sam Webber? A Yes sir.

Q How far did you live from him just after the war? A Well I think it was about 175 steps; they used water out of my well.

Q Did you know his son, young Sam Webber? A Yes sir.

Q Well did you know a little short one called Aaron Webber? A Yes sir.

Q Did you know a boy called Joe Ross? A Yes sir.

Q Have you seen any of those parties since you have been here this time? A Why I met Joe Ross down there; he said he knew me and come up and shook hands with me and I saw Sam Webber.

Q I will ask you to look if this is the same parties now? A Well I tell you Ross don't favor himself so much, but Joe he is just like his father and I loved him because he is just like his father; well old Uncle Sam was older than Sam is of course.

Q I will ask you if you had any deaths in your own family in the fall of '66? A Yes sir.

Q What was the date of it? A The date of the death.

Q Yes, Madam? A Well it was October.

Q Did you make any record of it in your Bible? A Yes sir.

Q Is this your Bible? A I reckon it is; if you will let me look I will tell you.

Q Look at it and see if this is your Bible? A I think it is, but I can't read it, I haven't got my specs.

Q You haven't got your specs? A No sir.

Q Well of the family record here of births and deaths appear that "Franklin Hicks, was born November 7, 1864." A Yes sir.

Q And under the column of deaths appears: "Died October 23, 1866." A That is correct.

Q Who was Franklin Hicks? A He was my son.

Q Do you know where Sam Webber was when your son Franklin died? A No sir, I could not tell you.

Q Don't know? A No I don't; you mean this Sam?

Q That man? A Oh, the old gentleman; he lived up there by the I think; I am most positively he lived there then.

Q Do you know where his wife was? A His wife died there.

Q Well do you know whether she was dead at the date of your son's death? A Yes sir, she died I think before he died; there was an old lady, they called her old Aunt Fonda, living.

Q She was living? A Yes sir.

Q Was she a member of this family? A Yes sir, she lived there with them.

Q Well do you know whether she was there during the sickness of your child? A Yes sir, she sat up with me several times, and if it was a bad night and she saw no one come in and would come and sit up with me.

Q Did you know a sister of Joe's called Charley? A Yes sir.

Q Now I would like to have your best judgment Mrs. Hicks as to the time Old Sam Webber moved with his family and children from that country? A -

MR. SMITH: The applicant objects to the witness giving her opinion as to the time when this sickness took place, because it is not the subject of their expert or opinion evidence. COMMISSIONER: I understand the objection to be her best recollection.

A It has been a long time you know.

Q Well, answer the question. I asked him being there?

Q I want to know, the question is, what is your best recollection as to the time Sam Webber and his family, when he left Kansas with his family?

OBJECTION to my applicant.

A Well my best recollection was that, I would not be positive or certain, but I think it was in the spring of March, one or the other. The best of my recollection, because an old lady, old aunt Rhoda and uncle Cy, that was her husband, they were old and feeble and I think old whole Sam stayed around on that account more than anything as long as he did.

Q Well now that would be February of that year? A It would be '87 wouldn't it?

Q You lived then about 170 yards of there? A Yes, sir, I could hear them sing over there and hear them laugh and talk to my house.

Q On those place were they living? A Well they was living on Mr. Walker's place then.

Q Had he recently purchased it? A Yes sir.

Q Do you remember who he purchased it of? A I think it was a man by the name of Fleming, I think it was Fleming's owned it.

BY MR. SMITH:

Q About how long, Mrs. Hilda, did Mr. Walker owned this place at the time these people lived there? A Well I couldn't answer that question. Q Well you could tell whether it had been a few months or whether it had been a year or two? A Oh yes, I suppose it may be quite a while I couldn't tell you.

Q You remember that Mr. Walker owned a place there? A Of course I know he had charge of the land, I think Mr. Walker bought it from Mr. Fleming if I ain't mistaken.

Q And you know these Webbers were living on the Walker place? A Yes sir.

Q Well now that in your best recollection as to how long Mr. Walker had owned that place? A I don't know, I don't pretend to say anything I don't know, I don't want to meddle with, I didn't come down here to criticize or anything about it, I want to tell the truth as far as I can.

Q Where was young Sam Webber in December, 1886, and up until January or February of 1887? A I could not tell you where he was, I think Sam worked out some around, I couldn't tell you whether he was at home all the time or not, I could not tell you.

Q Where was young Sam Webber at the time your child died? A I couldn't tell you that, this one.

Q Yes? A I don't know.

Q He was not there was he? A I don't know, I couldn't say as to that.

Q Do you remember and Sam Webber and young Sam Webber and Andy Webber and others leaving, Aaron Webber and others leaving that community in 1886 and coming down to the Cherokee Nation? A I recollect only Sam coming down here, I don't know, I want be positive, I guess though it was in '86.

Q Well about how long was it ago, your best recollection, before this date to the fall that you have spoken of? A I don't know.

Q Don't know? A No I don't, but I recollect about it, he brought me back some wood and charcoal.

Q Do you remember young Sam bringing some kind of the community?

A No sir, I didn't charge my mind with anything like that.

Q Well now give me some idea, Mrs. Hicks, about the time old man Sam Webber started off on this trip to the Cherokee Nation in 1866. That you testified about? A Why I don't know; he come in the fall I reckon.

Q You don't know whether it was fall, summer or spring? A No sir, I don't.

Q Well how is it you have no better recollection of this very time that you mention he come than you have of the first time? A I know he was there when that child of mine died.

Q And you don't know how long after that? A No, they went along the latter part of the winter, but I don't know what time; I think though it was in February or March.

Q You couldn't be positive whether it was February or after Christmas would you? A I don't think it was before Christmas.

Q You don't think that was? A No I can't, for several facts.

Q You can't state positively whether it was before or after Christmas, you can't swear it? A I wouldn't want to swear it either way.

Q Where did you move from to this place that you live? A Where did I move from?

Q How long have you been living at this place now where you lived when your child died? A I have been living on the place ever since the spring of '59.

Q About how long did you remain on the place? A I stay there yet, when I am at home; my husband is dead.

Q Do you know how many trips Sam Webber made to the Cherokee Nation before this time that he came away from there the last time? A No sir, I don't.

Q You know of his coming one time? A I know him and his father and I think Aaron, and I don't know whether Joe was along or not.

Q Well is this Joe? A Well of course, on that one, Joe Webber that one sitting there?

Q Yes? A I think it is.

Q Which one of them don't look familiar? A That one, he was nothing but a boy when I knew him.

Q Which one, the right one here, the black one? A Yes sir.

Q What is his name? A Joe we always called him.

Q And what is this man right here? A Sam, that is the way we always called him.

Q You think that is the man you know up there in Kansas? A This Joe? A I don't know, he says it is; he was nothing but a boy when I saw him.

Q You don't recognize him there? A Hardly, I wouldn't know; he says he is the man; I used to think he was a very good boy when they lived there, but then he has grown out of my knowledge.

Q You don't know where the old man Sam Webber was in July '66 do you? A No sir.

Q You remember anything about young Sam Webber coming for the old man and the family in July 1866? A Well he might have come after them but they didn't come down here in July.

Q You don't know when they did come? A No I think they come some time in the latter part of the winter, but I say I would not be certain what month it was, in February or March.

Q You want be certain it was either of them? A I say they left, I was there and saw them start.

Q You would be certain it was either February or March? A I think they did.

Q You think so? A Yes sir.

BY MR. HARRISON:
Q I was going to ask you if you had seen young Sam Webber marrying? A They said he married; I didn't see it done.

Q Did you hear of his marrying up there? A Yes sir.

Q Was that before or after he left? A It was before they left.

JANE SPEARS, being sworn and examined by Commissioner Breckinridge, testified as follows:

Q Give me your full name? A Jane Spears.

Q How old are you? A I am 46 years old.

Q What is your post office? A Mound City.

Q In the State of Kansas? A Yes sir, Mound City, Kansas.

BY MR. HASTINGS:

Q Mrs. Spears, was Mrs. Hicks who left the stand your mother?

A Yes sir.

Q How long have you lived in and about Mound City, Kansas, I mean in the neighborhood? A Well I came there when I was about a year old.

Q And you have lived there ever since? A Yes sir, well since I have been married I have just moved one mile north.

Q You moved a mile north of your mother? A Yes sir.

Q Do you know Douglass Walker? A Yes sir.

Q Do you know Henry C. Short? A Yes sir.

Q Do you remember at an early date just before the war some colored people that lived up there; one of them by the name of Sam Webber?

A Yes sir.

Q Do you remember his son Sam? A Yes sir, I know him.

Q Were you living with your mother at that time? A Yes sir.

Q Did you know Joe, that was living with them, Joe Ross? A Yes sir.

Q Have you seen any of these parties since you have been here this time? A I met them to-day.

Q Talked with them some? A Well I just spoke to Joe; Sam I did not know that he did; I suppose he heard we were here.

Q I will ask you if this is your mother's family Bible? A Yes sir.

Q That is the family record of the births and deaths? A Yes sir.

Q I will ask you if you had a brother by the name of Franklin Hicks? A Yes sir.

Q Do you remember the date of his death? A Yes sir, October 23, 1868.

Q I will ask you if you know where the Webber family was living at the time he died? A Yes sir, they were living there.

Q About how far from your mother's? A About 175 steps I suppose, in a cabin.

Q Short distance? A Yes sir.

Q Did you know Aaron Webber, a little short legged duck legged fellow? A Yes sir.

Q I would like to know from you Mrs. Spears your best recollection as to the time old man Sam Webber left that country permanently with his family? A -

BY MR. SMITH: The counsel for the applicant objects to that question, because it is incompetent and calls for the opinion of the witness.

COMMISSIONER: The Counsel for the applicant has put a number of questions in the same form and asked as to their best recollection that exists; it is entirely competent to give the best recollection and belief in regard to the facts.

Q My best recollection is that it was in the spring of '67, either February or March.

Q Did you know whether or not young Sam Webber married up there?

A Yes sir.

Q Did you know whether that was before or after they left there?

A That was before they left there.

BY MR. SMITH:

Q Mrs. Spears, did you know of Sam Webber, Sr., leaving that country and coming to the Cherokee Nation, or leaving that country for the Cherokee Nation before the time you mention? A He came in the fall I think, or summer sometime and got a claim I think.

- Q Fall of what year? A '66, and then came back.
- Q How do you remember young Sam Webber's coming back with reference to the time Sam Webber Jr. came, who came first when they returned from this trip looking for a place you speak of? A They came together.
- Q You are sure of that? A Yes sir.
- Q There was Adria Webb, 116 he came back with them? A I don't remember very much about that.
- Q You don't remember whether he did or not? A No, I wouldn't positive whether he came with them or not, when they came after their claims.
- Q Do you know when the older Sam Webber made the first trip to the Cherokee Nation after the war? A Well it was in the fall of '66 I guess; about that time, either summer or fall.
- Q Either summer or fall? A Yes sir, sometime along in the summer or fall.
- Q Might not it have been the late spring? A No, it was not, because he made his crop there and then came afterwards.
- Q Made a crop in '66? A '66.
- Q What did he do with that crop? A I suppose he put it up here, disposed of it.
- Q Do you know whether he sold it or not? A No, I don't know whether he sold it or not, I think they fed it to their stock before they left.
- Q Where was Sam Webber Jr. in December 1867? A I don't know where he was at.
- Q Where was he in January and February of '68? A January or February of '66, I can't say.
- Q Where was he in July of '66? A I don't know where.
- Q Do you have any recollection of Sam Webber Jr. coming there after his father in July '66? A No sir.
- Q Do you have any recollection of Sam Webber coming there at any time with any hide, beef hide or any kind of hide? A No sir.
- Q Where was old man Webber living in the year of 1868? A He was living there close to my mother's farm I speak of.
- Q In 175 steps of you? A Yes sir.
- Q And you don't remember of his coming there at any time off of a trip except the time he came back with his father? A He went to Fort Scott I guess, I never tried to keep any trace of his whereabouts.
- Q How what makes you think it was February or March of '68 that these people left there? A Well I have all reasons to believe that circumstances about it; well the old darkey had a cane patch and the darkey boys trapped on the land that winter.
- Q These darkey boys? A The Webber boys.
- Q Did what? A Trapped for game that winter on the patch of cane where we had left the seed on the corn.
- Q That the winter that commences in December and ends in February, December, '66 and February of '67? A It was all in the winter of course.
- Q Well the winter is pretty well over by the last day of January isn't it? A Not always it shut.
- Q Well the bigger part of it, two months is gone isn't it? A No sir, not in our country.
- Q How many months do you have in the winter there? A Some winters we have pretty hard and some winters we don't have as much.
- Q So that as a matter of fact the fact that they trapped there on your place during the winter would not of itself lead you to believe that they didn't leave there until February or March? A Well it was along toward spring they left, that is the best of my knowledge.
- Q Now in what way do you fix the date, you speak of your people there is that the way you fix the date, by that? A No sir, I fix it by memory, of course that is the way by the people, of this child's death; they were there then; that is, the family were, I don't re-

member so much about the man; there was an old lady that moved down here with the men that sat up with my brother in his sickness.

Q Do you remember Sam Webber bringing you any sassafras and spice switch up there? A Yes sir.

Q When was that? A That was the first time they came down.

Q When was it? A That was in '66.

Q What month? A I don't know.

Q Can you state within two months of the time? A No I don't know as I could.

Q Can you remember that as well as you could the other time? A (No response).

Q You know that they were gone from there before the spring of '67, and it must have been in '66 they brought the sassafras? A Yes sir.

Q What was it, sassafras roots? A Yes sir.

Q That must have been in the spring? A I don't know.

Q Well they don't make sassafras in the fall? A We used it for tea.

Q It was not in the spring at all Sam Webber brought the sassafras? A No sir, it was not; he didn't bring it at all; the old gentleman brought it.

Q Well now as a matter of fact do you remember any one of these people being there at the time your brother was sick and died except the old woman Rhoda? A Well this family was there on the place; I don't remember them being there.

Q Well if they were you tell me who you saw except Rhoda the old woman? A Well I don't know as I remember. There was Johnson's wife, of course I don't just remember who was there, I was just a child then; there was a great many of the neighbors in, but I remember the old lady, sitting up with my brother at the time he was sick.

Q Now isn't it a fact that the old lady Rhoda is the only one you remember being there at the time? A No sir.

Q Now who else was there? A Chlora was there.

Q Well now name some other one, all you know that was there? A I don't know, I don't remember them, there was hardly any day but what they was there, some of them.

Q Tell now what I want to know, who was there except this woman, Rhoda? A I don't know anything about that.

Q You don't know? A No sir.

Q How many trips did the Webbers make down here to this country, do you know? A They came once and got claims and came back and went again.

Q All you know of? A Yes sir.

Q If they made others you don't know it? A No sir, I don't know anything about any more trips they made.

Q Now when was this entry in this Bible, the date of your brother's death, made, was that made at the time? A Just when he died?

Q Yes? A I don't know as it was, I suppose about the time.

Q Well about when, do you know who wrote that? A I know who wrote that?

Q That is what I am talking about? A This was drawn off from another Bible.

Q You don't think that this entry, "Lizzie Bell Lewis, born September 1st, 1868" is in the same handwriting that this is do you? A No sir.

Q You don't know that this is in the same handwriting? A No sir, it is not.

Q Now who wrote that date, October 23, 1866? A Park Nichols.

Q Well now can you tell me how nearly at the time of your brother's death that entry was made? A No sir, I could not.

BY MR. HASTINGS:

Q How long has this Bible been in your mother's possession? A I can't tell.

Q Has this entry been in here a long time to your knowledge? A Yes sir, it has been several years.

Q It was in there long before any investigation came up wasn't it?

A Yes sir.

BY MR. SMITH:

Q Didn't Sam Webber and his father come down here in '45? A If they did I never missed them from home.

Q If they came here you didn't miss them? A No sir.

MARY E. HICKS, recalled for additional cross examination.

BY MR. SMITH:

Q Mrs. Hicks, what was the entry upon this Bible you have with regard to the date of the death of your child made with reference to his death? A Well I don't just remember when it was; it was not long.

Q Was it put there at or about the time he died? A Why it was not long after he died.

Q Well give us your best judgment as to how long? A Well he died that fall and I don't know just how long it was.

Q Well was it as much as a month? A I won't say sir.

Q You can give some idea? A Well I tell you now, I won't say anything when I don't know anything.

Q I thought probably you might know better than I do, as I know nothing about it? A If I knew when I set it down I would recollect it; I have had a good deal of trouble about it.

Q I don't want to cause you any trouble about it, but I would like to know, it is some importance in this case? A There was a young man working for us that set it down.

Q What was his name? A His name was Nichols.

Q Do you remember how long after your child died before Nichols went to work for you? A No sir.

Q Well when it was set down what was it set down from, your recollection? A Why I had a husband then and all of us recollect it, who wouldn't recollect it?

Q I am asking you how long it was before this entry was made, if you can tell me? A I don't know when.

Q Do you think it was as much as two years? A No sir.

Q It was not? A No sir, if I should guess at anything about it I should think it was along in the summer sometime, I should think now; afterwards this young man was breaking prairie and of course he broke it in the winter.

Q Was this the first place it was made where it was made here in this Bible? A Yes sir.

MR. SMITH: If the Court please, I want to show by the title page of the Bible that it was not published until in 1869.

COMMISSION: The title page has been examined and it shows that the edition of the Bible in evidence was published in Philadelphia in the year 1869.

BY MR. HASTINGS:

Q Do you remember, independent of the Bible, of the dates of your son's death? A Yes sir.

Q You didn't attempt to give distinctly when that entry was made in your Bible? A No sir.

Q You so stated? A Yes sir.

BY MR. SMITH: I object to that; it is leading.

BY MR. HASTINGS:

The Representatives of the Cherokee Nation ask that the testimony of Sam Webber, recalled, in the case of Jefferson Ross and others, Freedman D-872, be made a part of the record in this case.

COMMISSION: It is ordered that the testimony just taken be filed as supplemental testimony in Cherokee Freedman Doubtful case 495, the same being the case of Chlorea Grayson, and it will likewise be filed in Cherokee Freedman Doubtful case 216, the case of Aaron Webber, and in Cherokee Freedman doubtful case 350, the same being the case of Joe Ross.

It is further ordered that a set of all the testimony

Joe Rose [sup'1] 15

given by Sam Webber in Cherokee Freedman Debtor's case 872, the name being the case of Jefferson Ross, be filed in case Cherokee Freedman D-340, of Joe Ross, and in Cherokee Freedman D-486, of Chlera Grayson, and in Cherokee Freedman D-216, of Aaron Webber.

M. D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in this case, as dictated to him from the stenographic notes of JOHN Q. Rosson, he said Rosson, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

M. D. Green.

Subscribed and sworn to before me this November 16th, 1901.

J. O. Starr,

Notary Public.

SEAL.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T., May 22d 1901.

In the matter of the application of Elizabeth Neigs for enrollment as a Cherokee Freedman; she being sworn by Commissioner C. R. Breckinridge, testified as follows:

- Q What is your name? A Elizabeth Neigs.
Q How old are you? A I dont know my age.
Q About how old are you? A I was four years old when we came here with the old settlers.
Q Was that when the Cherokees first moved to this country from the old nation? A Yes sir.
Q That would make you about 71 years old now wouldn't it? A Yes sir I guess so.
Q What is your post office? A Centralia.
Q In what district do you live? A Cooweescoowee.
Q Do you want to be enrolled as a Cherokee Freedman? A Yes sir, I do.
Q Who do you want to have enrolled besides yourself? A My children.
Q Have you any children under twenty-one years old? A No sir.
Q They will have to apply for themselves then. A (No response).
Q Have you a husband? A No sir he is dead.
Q Then you only apply for yourself? A Yes sir.
Q Have you lived here ever since you came with the Cherokees in 1837? A Yes sir.
Q How long have you been called Neigs? A Ever since I was nothing but a girl.
Q Were you married to a man named Neigs? A Peter Neigs.
Q Is he dead? A Yes sir, five years ago in September.
Q Was he a Cherokee Freedman? A Yes sir.
Q Were you a slave in the Cherokee Nation before the war? A Yes sir.
Q To whom did you belong? A Reuben Daniel.

The 1880 authenticated roll of the Cherokee Nation examined and the applicant's name not found thereon.

- Q Are any of your family on that roll that you know of? A Yes sir, Alice Sanders is on it, she is a daughter of mine, Alice is.

The 1880 authenticated roll of the Cherokee Nation examined and the name of the applicant's daughter identified thereon as follows:

Page 175, No. 2655, Alice Sanders, Cooweescoowee district.

The 1896 census roll of the Cherokee Nation examined and the name of the applicant not found thereon.

- Q Did you draw your Cherokee strip money? A Yes sir.

The Kerns-Clifton roll of the Cherokee Nation examined and the name of the applicant found thereon as follows:
Page 100 No. 2512, Eliza Neigs, Cooweescoowee district.

- Q Did you ever go by the name of Daniel? A Yes sir then was my owners.

The Wallace roll of the Cherokee Nation examined and the name of the applicant found thereon as follows:

Page 182, No., 40, Elizabeth Daniel.

NOTE: Wife of Peter Neigs.

Wallace roll of the Cherokee Nation examined and the name of the applicant found thereon again as follows:

Page 131, No. 2748, Elizabeth Neigs, Cowwacbowes district.

- Q Where were you during the Civil war, did they take you out of the Cherokee Nation? A I was at Fort Scott during the war.
- Q When did you come back? A In the winter of '68.
- Q What time in the winter? A Well it was in the winter.
- Q Was it before Christmas, or after Christmas? A My husband was down here in the Christmas.
- Q When did he bring you down? A In the winter after he went from here on Big Creek.
- Q He came ahead of you then? A Yes sir.
- Q What time did he leave Kansas? A I cannot tell you when he first came.
- Q Did he leave Kansas before Christmas? A Yes sir he came here in the winter of '68.
- Q Did he leave Kansas in the winter? A Yes sir.
- Q Was he down here when Christmas came? A Yes sir.
- Q Do you know how long it was before Christmas before he started to come here first? A No sir I don't.
- Q How long was it after Christmas before he got back to you in Kansas? A Directly after Christmas.
- Q How long after Christmas before you and he started down here together? A Directly after.
- Q He spent Christmas that year in the Cherokee Nation by himself? A Yes sir my husband did.
- Q What members of your family came down with you and your husband? A These children.
- Q Did you bring your child Alice Sanders with you? A Yes sir.
- Q All the children? A Yes sir.
- Q Can you explain why you are not on the roll of 1880? A No sir.
- Q Do you know why you are not on that roll? A No sir I don't know nothing about the rolls.

By W. F. Hastings, Cherokee Representative:

- Q Auntie, what provisions did your husband make after he had been to the Cherokee Nation, to come down here with his family? Did he sell off what you had in Kansas? A Yes sir what little we had, we never had much to sell.
- Q Where were you living in Kansas then? A Fort Scott.
- Q About how long did it take him to get ready to come to the Cherokee Nation after he went back up there? A No time after he got back till we all come here.
- Q Was it as much as a couple or three weeks? A Yes sir I guess so.
- Q And then you started down here? A Yes sir.
- Q Was it in the spring of the year when you reached here? A No sir in the winter.
- Q Were the buds were not budding out then on the trees when you and your husband and children got here? A No sir there warent no buds nor nothing on the trees, it was winter I tell you.
- Q You all came in wagons did you? A Yes sir.
- Q Who came with your husband down here when he first came? A Old man Mike Sanders.
- Q Who else? A Reuben Sanders.
- Q Who else? A Daniel Sanders.

Q Any one else that you remember? A There was little Sam Webber and old man Sam Webber.

Q Any other Webber? A Aaron Webber.

Q Did any one else come down? A I don't remember any one else now.

Q Were you there when they started down? A We all came together I am a telling you.

Q But I mean when your husband came on in advance of you. Who came with him then? Did these parties that you have named come with your husband when he first came down? A Yes sir.

Q You were at Fort Scott then? A Yes sir.

Q And they all started together? A Yes sir.

Q Those that you have named are all the you can think of at the present time? A Yes sir.

Q Did they come in wagons or on horse-back that time? A They come in wagons when they first come.

Q And after Christmas you all came down did you? A Yes sir.

Q Did you come in wagons then? A Yes sir.

Q Did you come by a little place called Chatopa? A Yes sir.

Q Where did you come to in the Cherokee Nation? A I come right where I am living yet when I come to the Cherokee Nation.

Q And you are living there yet? A Yes sir, that old house was built in '66.

Q What house? A That one we is living in.

Q And you are living at the same old place? A Yes sir, in the same old house.

Q On what creek is that? A Big Creek.

Q Was any one living on Big Creek when you came there besides your own crowd? A No sir, down on Verdigris there was some living.

Q You were the advance family on crowd that came to Big Creek were you? A Yes sir, we was the advance guard.

Q Did you see any one from Chatopa along the road through the Nation to Big Creek when you came there? A No sir.

Q Did these people who first came down with you husband return with him and then come down again when your family all came after Christmas? A Yes sir.

Q You all came back together? A Yes sir.

Q Now Auntie, did any additional people--any other families come down with you? A I don't know who all come down, I am just a telling you what I know.

Q There was Daniel Sanders, and Reuben Sanders and there was Mike Sanders, and Sam Webber, old and little Sam, they all came with you? A Yes sir.

Q Did Aaron Webber come? A Yes sir.

Q And your family? A Yes sir.

Q Are there any that I missed? A That is all that I gave you.

Q Is that all that came? A Aaron Wright come with us.

Q Who else? A (No response).

Q Were there any others at all? A I am a telling you all that I can think of now, it has been a long time for an old woman like me to remember all that come.

Q You come to the place that you are living at now did you? A Yes, sir and has lived there ever since.

Q Have you any Cherokee neighbors there now that were old residents? A No sir, there was some lived on Verdigris when we come there.

Q Who? A Lemie Riley was there on Verdigris, but not where we was living.

Q How far from where you settled? A I don't know how far.

Q Was it as much as 4 or 5 miles? A As much as ten miles if you guess at it right.

Q Were they the closest residents to you at that time? A Yes sir.

Q Were there any Delaware Indians there when you come there? A No sir I never saw none.

Q Any Osages? A No sir, never saw none.
 Q You didn't see any body on Big Creek, neither white or black, except those that came with you? A That is all.
 Q And you have been there ever since? A Yes sir, ever since we moved there.
 Q You say your husband Peter Maize built a house there? A There a log house there and he bought the house and we moved to it.
 Q Who built the house if you know? A Henry Harold.
 Q Was he a colored man? A Yes sir.
 Q Is he living? A I don't know if he is or not.
 Q Some 3 or 4 years after you came down here your husband went to Tahlequah before the court, didn't he, to see about his citizenship? A Yes sir.
 Q They didn't admit him then did they? A I don't know sir.
 Q You know he was disputed? A I don't know nothing about it, I never paid any attention to any such things as that then.

By the Commission:

Q Were you ever admitted by the Cherokee or United States court for Commission? A I don't understand what you say.
 Q Did you ever have your right to be enrolled as a Cherokee citizen before any kind of a court? A Yes sir my man enrolled us before he died.
 Q I mean in court? A That is what I am a telling you.
 Q You know what a court is don't you? A Yes sir.
 Q What court do you know? A Kerns Clifton court.
 Q Any other court that you know of? A I know of the Wallace court.
 Q Any other? A No sir.
 Q Did he ever have anything done about his case by the Cherokee Council? A I don't know what was done, my man went there every year or two but I don't know what was done there.
 Q How long did it take you and these people to come from Kansas to the Cherokee Nation? A I don't know how long we were on the road.
 Q Have you any witnesses with you that you want to introduce?
 A Yes sir.

REUBEN SANDERS, called and sworn by Commissioner C. R. Breckinridge, testified as follows on the part of the applicant.
 (Examined by the Commission).

Q What is your name? A Reuben Sanders.
 Q How old are you? A I suppose I am about 50.
 Q What is your post office? A Centralia.
 Q How long have you lived in the Cherokee Nation? A All my life.
 Q Were you a slave in the Cherokee Nation when the Civil war broke out? A Yes sir.
 Q Who did you belong to? A James Sanders.
 Q Were you taken to Kansas during the war? A Yes sir.
 Q You have a wife named Alice have you? A Yes sir.
 Q How long have you and she been married? A About 30 years perhaps more.

The 1880 authenticated roll of the Cherokee Nation examined and the name of the applicant's son-in-law identified thereon as follows:

Page 175, No. 2657, Reuben Sanders, Cooweescoowee district.

Q Did you ever have to carry the question of your citizenship before any court? A Yes sir.
 Q What court? A The Chambers court.
 Q Is that the only one? A Yes sir that is the only one; I was admitted by the Chambers Court.

- Q Where was it sitting? A At Tahlequah.
 Q In what year was that? A I cannot tell what year it was.
 Q Your citizenship had been disputed had it? A Yes sir.
 Q When was your right to citizenship first disputed? A It was during the time that Thompson Oochelita was chief.
 Q Was that before the 1880 roll was made? A Yes sir.
 Q Did the court decide in your favor? A Yes sir.
 Q Was there any dispute made then about your being put on the 1880 roll? A No sir.
 Q Were you required to show a copy of the decision of the court in your favor when you went to enroll in 1880? A No sir.
 Q Did they ask you any questions when you went to be enrolled in 1880? A No sir.
 Q Where did they take your name? A I was in Goose-neck Band, at the time.
 Q Do you know the applicant Elizabeth Meigs? A Yes sir.
 Q Your wife is her daughter? A Yes sir.

By W. W. Hastings:

- Q Peter Meigs' citizenship was disputed the same time yours was? A Yes sir.
 Q Did he go before the court at the same time? A No sir, I think not.
 Q His wife's citizenship was also disputed? A I judge so.
 Q Did she go down before that court? A Not to my knowledge.
 Q Did he go down to Tahlequah to the court before that time? A Yes sir, I think he went down to the Bob Daniels court, think he went with my father.
 Q Was Bob Daniels Chief Justice of that court? A Yes sir.
 Q Just a few years after the war? A Yes sir.
 Q In '71 wasn't it? A Yes sir.
 Q Was any action taken in that court? A I don't know.
 Q You were not there yourself? A No sir.
 Q You were about 15 or 16 years old when you come back? A Yes sir.
 I guess so, I don't exactly know how old I was.
 Q You were not married then? A No sir.
 Q How long long after you got back before you married?
 A Not very long after I got back.
 Q Did you marry on your way down here? A No sir.
 Q How long had you been here before you married? A I have been married twice.
 Q How long had you been here before you married the first time? A
 A Not very long.
 Q As much as a year? A May be so.
 Q Is that your best judgment? A My best judgment is perhaps that it was that long.
 Q When were you married to your present wife? A Upwards of 30 years, or so.
 Q How long did you live with your first wife? A Not very long, she died.
 Q A year? A Perhaps it was, maybe a little longer.
 Q Then you married your present wife? A Yes sir.
 Q When you came to the Cherokee Nation how did you come the first time? A In wagons.
 Q The first time? A Yes sir.
 Q Who came with you? A Several were on horse-back; it is beyond my knowledge how many there were.
 Q Tell all you can remember? A We made a trip in August and one in October and then we moved here in the winter.
 Q Did you come in August? A Yes sir.
 Q Who came with you then? A Some of this family, Peter Meigs and got his place; the heads of these families.

Q Who else came with you? A My brother Dan and the Whitwires.
 Q Which ones? A Several.
 Q Which ones? A Hops and Dennis, and the Webbers.
 Q Were there? A Old man Sam and younger Sam and little Aaron, and a man named Abe Thurman, and Abe Hair, and I dont know who else, I dont know who all come.
 Q Who come when you come in October? A I dont know who all come then, some of that same crowd and some more come in October.
 Q Do you remember any additional persons? A To the best of my knowledge the Smith family.
 Q What was his first name? A Old man Caesar Smith.
 Q You come in both at the detachments yourself? A No sir.
 Q Which one did you come in? A I come in August.
 Q You didn't come in October then? Yes sir, I come when we first come; we brought some of our farming utensils when we come in August and left the on the creek.
 Q On Big Creek? A Yes sir.
 Q Where Mrs Meigs lives? A Yes sir.
 Q And you returned in October, how long did you stay in October.
 Q We all didn't return in October, we didn't all go back, some staid in August, some staid and some came back; some of us brought our things with us and some came to look out homes, we all come with the intention of making our homes here.
 Q Then did you afterwards move here the last time? A In the winter of '66 is when we come down here the last time.
 Q What time in the winter? A Long in January.
 Q You mean in '67.
 Q No in the winter of '66.
 Q If you came here in the August and October of '66 and then returned for your families and come back here in the following winter, in the following January or February, that would be in '67? A I dont understand you; we came here in the winter of '66 is what I said, in January after we had first been here in August and October, we came right to where Mrs. Meigs is living now.

By the Commission:

Q You say you first came here in August of '66? A Yes sir.
 Q That was your first coming was it? A Yes sir.

By Hastings:

Q When you moved here permanently, tell all that you possible can remember of who came with you in the January or February following?
 A This family is one, her, the Meigs family, Peter Meigs, Elizabeth Meigs, Mary Meigs, George Meigs, Simon Meigs, Harriett Meigs, Perry Meigs, that is all that I can remember of that family.
 Q I dont mean only of that family, there were other families were there not? A Old man Billie Borman.
 Q Who else? A He had several children.
 Q The heads of families I mean? A Fannie Sanders; I dont recollect them all; I dont know as I can call the names of all of them.
 Q Were any of the Webbers along? A Yes sir.
 Q Old man Sam and young Sam? A Yes sir; I would not pretend to call them all over as I had forgotten them Webbers and so I cant remember for if I has forgotten them I dont think I can remember any of the others.

By the Commission:

Q Did old man Sam Webber come? A Yes sir.
 Q Did his son Sam come? A Yes sir.

Q Don't you remember any one else? A Rachel Webb.

Q Do you think of any one else? A No sir.

Q You know that it was a mooted question before the Kerns Clifton Commission as to who came at this time and as to when you come? A. I haven't been interested as to anyone except for myself.

Q You know that there is a question about who came don't you? A Yes sir I guess I do.

Q You say you came to Big Creek? A Yes sir.

Q Did you come by the way of Chatopa? A Yes sir I guess that we did, I don't know that they called it Chatopa then, there was a house or so there.

Q Did you cross the river there? A What river.

Q Neosho? A No sir.

Q You didn't cross at the Gilstrap ferry? A No sir we crossed 20 or 30 miles from there.

Q You came through what is Chatopa and came on west through the prairie? A We may have.

Q You were in Wagons? A Yes sir.

Q Were there any persons living on any of that country from Chatopa west, out to Big Creek except your own people who had come in August or October before that? A I have no knowledge of any one living there before that.

Q Were there any houses there except those that your crowd built? A I don't know of any houses, but there were foundations for them on Big Creek.

Q Then the houses were not built before you moved there with your families? A Yes sir some were, there were logs on some up 3 or 10 logs high.

Q Then there were none really completed until you moved there with your families? A No sir.

Q Did you make a crop there the first year that you moved there? A Yes sir as near as we could with one horse plows and hoes.

Q Do you know Jim Martin? A Yes sir.

Q How far does he live from you now? A 4, 5 or 8 miles.

Q Was he living there when you people moved there? A No sir.

Q He had a brother named William Martin? A Yes sir.

Q Was he living out there then? A No sir.

Q There was an old man by the name of Carter living out there then, wasn't there? A No sir; there was an old man named Carter living 20 miles perhaps from there quite a while after we come there.

Q Was his name Dick Carter? A I think it was.

Q You say he lived some 20 miles from there? A Yes sir 20 miles below, on the Verdigris river. He come some time after.

Q Do you know if that ferry that you crossed the Neosho river was called Gilstrap ferry? A No sir we never crossed on Gilstrap ferry.

Q There were no farms made there when you passed through--no citizens had farms up there? A No sir none that I saw.

By the Commission:

Q You stated, I believe, that the first time that you come to the Cherokee Nation after the Civil war closed was in August of '66?

A Yes sir.

Q For what purpose did you come back then? A To make it our home; the proclamation had told us to come home, that it was open for us to come.

Q You didn't bring your families with you then? A Only part of them and some things that we had.

Q Part came with their families and part came to prepare for their families? A Yes sir.

Q What men were with you on that first trip? A This family, the Meigs family, not all of this man's boys, but the old man Meigs, Peter Meigs.

Q You didn't bring your family with you at that time did you? A No sir.

Q Did Peter Meigs bring any of his family then? A No sir.

Q Did you go back to Kansas after that? A Yes sir.

Q When did you bring your family? A Our family came in October.

Q When did Peter Meigs go back to Kansas? A I think with my father.

Q You came yourself in August? A Yes sir with my father.

Q You went back to Kansas after that? A Yes sir my father went there and I went with him.

Q When did Peter Meigs go back? A He went with the crowd.

Q Did he go with you and your father? A Yes sir.

Q Then you returned to the Cherokee Nation again in October? A Yes sir.

Q Did your father come with you? A Yes sir.

Q Did all the members of your own family come with you? A No sir, not all of them came in October.

Q Where was Peter Meigs in October? A He come with us at each trip.

Q Did he go back to Kansas with you? A Yes sir.

Q And then you came back here to the Cherokee Nation in October? A Yes sir.

Q Did Peter Meigs come back with you to the Cherokee Nation in October? A Yes sir.

Q That made the second time that Peter Meigs had been here? A Yes sir.

Q Where was Peter Meigs in Christmas of '66, do you know? A No sir I don't exactly know where he was in Christmas of '66.

Q When Peter Meigs got back to the Cherokee Nation with his family did he settle in the Cherokee Nation near your family? A Yes sir.

Q How far apart? A Two or three hundred yards apart.

Q Did he then go back to Kansas for his family after he made that October trip with you? A No sir he went back after something to eat.

Q You stated that he brought his family the last time in February, when did he go back after his family? A The third time he brought his family.

Q You stated here then? A Yes sir.

Q When did you come? A In the winter.

Q Was it in February? A Must have been in December.

Q What about that February trip you spoke of? A It was in the winter some time. Snow on the ground.

Q Did your father come at that trip? A Yes sir.

Q Your mother? A Yes sir.

Q Peter Meigs? A Yes sir.

Q His wife? A Yes sir.

Q That was your third trip? A Yes sir.

Q Was that your last trip? A Yes sir.

Q When did your wife Alice come? A Come then.

Q On that third trip? A Yes sir.

Q You say Peter made all three trips with you? A Yes sir.

Q Every time you came he came? A Yes sir.

Q Every time you went back to Kansas he went back? A Yes sir, that is to the best of my knowledge.

Q Did he go there by himself? A No sir.

Q Do you remember distinctly that you came here in August the first time? A Yes sir.

Q Do you remember distinctly that Peter came with you in August and October? A Yes sir.

Q Do you remember distinctly that he come with his family when you made your third and last trip? A Yes sir.

Q With his family? A Yes sir.

By Com'r Breckinridge,-

The applicant states that she was a slave in the Cherokee Nation from the time the Cherokees moved to the Indian Territory in 1837 until she was liberated by the Civil war. She is identified on the Kerns-Clifton roll and on the Wallace roll, but not on the 1880 roll or upon the roll of 1896. The testimony indicated that her husband first returned to the Cherokee Nation after the war, coming from Kansas in August of 1866, that he came at that time to prepare for the bringing of his family back to the Cherokee Nation. He is now deceased, but he and the applicant were married at that time and had several children. The testimony further indicated that the applicant's husband made a trip back to Kansas in October, but not with a view of relinquishing his purpose to bring his family to the Cherokee Nation, but apparently to get provisions. It further appears that he returned to the Cherokee Nation with his wife and children in the following month of February. There is some conflict of testimony in regard to this matter, but so far that is the weight of the testimony. It also appears that proceedings may have been had by some Cherokee Court, either a citizenship court or the Cherokee Supreme Court, prior to the date of the Chambers Court, affecting the citizenship of this applicant and her husband and all those who may claim through them. It will be necessary to make ~~rather~~ further inquiry upon this point, and if possible to get an official copy of the record. Under these conditions, the applicant will now be listed for enrollment on a doubtful card and the final decision of the Commission will be made known to her at her post office address.

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Chas. von Weise, being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above case and that the foregoing is a full, true and correct transcript of his stenographic notes therein,

Chas. von Weise.

Subscribed and sworn to before me this the 29th of May, 1901 at
Chelsea, I. T.

T. B. Needles,

Commissioner.

~~CONFIDENTIAL~~

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T., May 22, 1901.

In the matter of the application of Elizabeth Meigs for enrollment as a Cherokee Freedman;
REUBEN SANDERS, having been before sworn by Commissioner Breckinridge, testified as follows:

- Q. Give your name? A. Reuben Sanders.
Q. How old are you? A. I am only about 50 years.
Q. You gave testimony just now in the case of Elizabeth Meigs?
A. Yes sir.
Q. And you want to correct a statement you made there? A. Yes sir, I wish to make the statement that it was in January, 1867 when we made the last move, about the first of the month; it was the following August in 1866; we had been here in August you know, in '66 and in October, and we made the last move in '67, January, and I put it down February I think; I wanted to say January.
Q. How do you find out now it was January instead of February?
A. It was just after Christmas that we was on the road coming down.
Q. How long after Christmas? A. Perhaps a week after Christmas; my reason for stating this is this, along Christmas- a few days before Christmas there was a man got killed named Hayford, and there was a gentleman killed him, a colored man killed that man Hayford, a man by the name of Mackey, and we started then right shortly after that killing was, and the parties followed us, thinking he was with us, in our crowd, that was just the following- a few days after Christmas, a week, or after Christmas.

Examined by Cherokee Representative, W. W. Hastings:

- Q. How old are you? A. Well I just don't know my age exactly, I suppose that I am about 50 years old; something in that line.
Q. Where did you say that killing took place? A. In Kansas.
Q. Fort Scott? A. Yes sir.
Q. And the man that was accused of the killing was named what? A. Named Mackey.
Q. You remember his first name? A. No.
Q. You remember the man who was killed, you get his first name? A. No sir I don't not.
Q. Did you ever learn afterwards whether or not that man was caught, do you know? A. It seems to me like I learned afterwards that the man was caught. No I don't know nothing about that part of it.
Q. You know what county Ft. Scott is in? A. No sir.
Q. Who called your attention to this ~~kind~~ error? A. I thought so myself; I called my own attention to it; I was studying over it, I did.
Q. You know now it was only a few days after Christmas? A. Yes sir, a few days after Christmas.

Com'r Breckinridge: This statement will be filed as supplemental in the Elizabeth Meigs case, to be considered in connection with the former statement of the witness, and the other evidence relating to the date in question.

M. D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

M. D. Green.

Subscribed and sworn to before me this May 23, 1901.

C. R. Breckinridge,

Commissioner.

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NOV 26 1901

This copy of "The Life of George Washington" by John Adams.

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Department of the Interior,
Commission to the Five Civilized Tribes,
Cherokee, I. T., June 1st, 1901.

In the matter of the application of John J. Rose for the enrollment of himself, as intermarried Cherokee Freedman; and two children as Cherokee Freedmen; he applying as intermarried; being sworn and examined by Commissioner Needles, he testified as follows:

Appearances:

Mr. Smith, of Vollette & Smith, for Applicant.
Mr. L. B. Bell, for Cherokee Nation.

- Q What is your name? A John J. Rose.
Q What is your age? A About 55.
Q What is your post-office? A Lawpah, Indian Territory.
Q What district do you live in? A Coowascoowee District.
Q You apply to be enrolled as a Cherokee Freedman? A No sir, as intermarried adopted.
Q Who do you want to enroll besides yourself? A A little boys Robert Rose.
Q How old is Robert? A About 15 years old.
Q What is the next child's name? A James Rose.
Q How old is James? A James is about 12.
Q Are you married? A No sir, I am a widower.
Q Your wife not living? A Yes sir, she is living, we was divorced.
Q What is the mother's name of these children? A She is married again.
Q Who has got these children? A I have got them in custody.
Examined by Attorney Smith:
Q What was your wife's name when you married her? A Emily Dannenberg.
Q Have you a witness where who knew as to whom she belonged?
A Yes sir.
Q Did you know her during the war yourself? A No sir.
Q You can't state from your personal knowledge who she belonged to?
A No sir.
Q Nor where she was during the war? A No sir, I never got acquainted with her until after the war.
Q When did you get acquainted with her? A In the fall of '65, near the close of the war.
Q Where was she? A At Lawrence, Kansas.
Q In '65? A Yes sir.
Q How long did you stay in Lawrence after that? A I lived in Lawrence about, - let me see, about three years, I think it was '69 when I left there.
Q Did she leave Lawrence? A She left Lawrence in the fall of '66 the next year after the war closed.
Q Did she make any statement as to where she was going? A She was coming to the Nation with her mother.
Q Where did you marry her? A I married her in Lawrence, Kansas, the first time I married her, and I married her the second time in the Indian Territory.
Q How did you marry her in the Territory, under what law.
A Under the Cherokee law.
Q Have you got the certificate? A I have got a certified copy.
(Produces papers.)

Attorney Smith: I desire to offer a certified copy of a certificate of his marriage to his wife, issued by the clerk of Coowascoowee District. (Hands paper to Cherokee Rep've Bell, who examines it.)

Com'r Needles: The Applicant presents a certified copy of marriage certificate certifying that he was married according to the laws of the Cherokee Nation on the 28th day of September, 1889, marriage license issued in '74, 28th day of

John J. Rose et al 2

Decembar, and married to Emily Danenberg, Minister of the Gospel, 28th of September 1839, to Emily Danenberg.

Examined by Attorney Smith:

- Q Have you ever been recognized as a citizen of the Cherokee Nation? A Yes sir, I have been recognized, the rights to vote.
Q Have you voted in the Cherokee elections? A Yes sir.
Q Have you ever had any permits issued to you? A I don't think I ever applied; yes I have, but I have no copies of them.
Q You have had permits issued to you? A Yes sir.
Q About when, do you remember? A It had been 14 or 15 years ago, I never paid any attention to it.
Q Did you ever have any law suits in the Cherokee courts?
A One, yes sir.
Q Who with? A Man named Charleyhead, Delaware citizen.
Q In what court? A Civil court it was then, held at Dog Creek, Cooweescoowee District.

Cherokee Rep'v's Hall: I object to the introduction of this evidence, for the reason that it is not the best; the records could be obtainable, or showing such to be made that they are not obtainable.

Com'r: Well, go on.

BY ATTORNEY SMITH:

- Q Well now, Mr. Rose, where do you live now? A I live five miles north of Lenapeh, Cooweescoowee District, Cherokee Nation.
Q Are these two children, Robert and James, living with you?
A Yes sir, when I am at home they are.
Q Are these children on any of the rolls? A Yes sir.
Q Robert and James, what rolls? A They are both on the Kerns and Clifton roll, and I think one of them is on the Wallace roll. I am not positive.
Q How old is Robert? A 14, going on 15.

Kerns-Clifton roll of citizens of the Cherokee Nation examined for applicant's children and identified:
page 146, #3619 Robert Rose, Cooweescoowee District.
page 126 #3621 Jim Rose, Cooweescoowee District.

1880 authenticated roll of citizens of the Cherokee Nation examined and applicant not identified thereon.
1896 census roll of citizens of the Cherokee Nation examined and applicants not identified thereon.
Kerns-Clifton roll of citizens of the Cherokee Nation examined and applicant's former wife identified as follows:
page 146, #3616 Emily Rose, Cooweescoowee District.

Examined by Cherokee Representative, L.B. Hall:

- Q You don't claim anything but intermarried right? A And the right to enroll these two children.
Q When did you marry Emily Danenberg first? A First time I married her I think it was in 1867, along in June.

FURTHER TESTIMONY IN THIS CASE TAKEN BY STENOGRAPHER
CHARLES W. WYSE.

M.D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case; and that the foregoing is a true and complete transcript of his stenographic notes thereof.
Signed, M.D. Green.
Subscribed and sworn to before me this June 6th, 1901.

(Signed) T.A. Needles,
Commissioner.

John J. Rose et al.

June 1st, 1901, CONTINUATION of the above.

By Chas. von Harbo, Clerk.

Harry Still, being sworn by Com'r Needles, as a witness for the applicant, testified as follows:

By Mr. Smith:

- Q What is your name? A Harry Still.
- Q What is your post-office address? A Hayden.
- Q How long have you lived in the Cherokee Nation? A About 54 years.
- Q How old are you? A About 64 years old.
- Q Did you know Emma Rose or a woman who was the wife of John J. Rose? A Yes sir.
- Q What was her name before she married Rose? A Dannenberg.
- Q Was she a slave? A Yes sir.
- Q Who did she belong to? A Dick Dannenberg.
- Q Was he a Cherokee citizen? A Yes sir.
- Q Where was Emma Dannenberg when the war broke out? A She was living with her master then.
- Q Where? A In Flint.
- Q Is the Cherokee Nation? A Yes sir.
- Q Did you know if she was taken out of the Cherokee Nation during the war? A Yes sir.
- Q Did she come back after the war? A Yes sir.
- Q When did she come back? A In the fall of '66 long about the last part.
- Q Who came back with her? A She came back with her mother, sister, brother, me, my mother, my sister, Reed Whitney.
- Q Where did you come to? A Come to Lightning Creek.
- Q How old was Emma at that time? A Her and Jane was both good sized girls-- young ladies.
- Q Who was their mother? A Tilda Dannenberg.
- Q Where did they locate when they came? A Stopped at a place now known as Hayden.
- Q And where is this woman Emma now? A She is living about 8 miles from Hayden in what is known as the Jim Martin settlement.
- Q Where does John Rose live? A Some six miles from Lenape.
- Q How long has he lived there? A The first time that I saw those people I can't exactly fix the date, it was on California Creek over 20 years more than that must have been in '75 or '76.
- By Bell-
- Q Was this Tilda Dannenberg married? A No sir, she was a widow.
- Q Where did she settle? A Near what is Hayden now.
- Q How long did she live there? A 3 or 4 years.
- Q And kept these children with her? A Not all the time.
- Q How long did she have them? A 2 or 3 years when she first came there.
- Q I mean Emma Rose. I am speaking of John J. Rose's wife? A That is Emma-- she kept Jim with her all the time.
- Q I am speaking of John J. Rose's wife? A That is what I mean.
- Q When did you come back to this country? A That first time.
- Q Yes sir? A In '65.
- Q And then you came back again? A Yes sir.
- Q In '65? A Yes sir.
- Q Are you on the 1860 roll? A I am a citizen all right and was admitted at Vinita.
- Q Are you on the roll of 1890? A I said I was a citizen all right.
- Q The name back besides your family? A Reed Whitney, Joe King, Andy Rider.
- Lewis Whitacre, called and sworn as a witness for the applicant.
- By Mr. Smith.
- Q What is your name? A Lewis Whitacre.

J. Thompson

Q Where do you live? A In the town of Lightning Creek.
Q How long have you lived in the Cherokee Nation? A I have lived here

Q Do you know John Ross? A Yes sir.

Q How long have you known him? A I have known him about 30 years.

Q Do you know his wife? A Yes sir.

Q What did she belong to before the war? Mr. Buchanan, and his

family.

Q Were they Cherokee citizens? A Yes sir.

Q Where did they live? A I don't tell exactly if it was in Flint

or Goolsnake, 2 or 3 miles from the town.

Q How big was the place she came back? A I don't recollect how big

but she was a small place when the war commenced.

Q She was out of the Cherokee Nation when the war was going on was

she? A Yes sir I think so.

Q Where did you first see her after the war? A Her mother was at

the old Harry Still place up on Lightning Creek.

Q When did you first see her with her mother? A Sometime in the

winter of 1865.

Q Did you know who she was with? A With her mother.

Q Did you come back to this country the same time Harry Still did

or not? A No sir I came down some weeks though.

Q Do you know who brought this woman and these children to the

Cherokee Nation? A No sir.

Q How long did you continue to see them up around there? A They

were there 5 or 6 weeks, taken a claim there, it was cold weather.

Q Where did you next see them? A On Goolsnake Road. I was up there

to the Chief election at there and heard them.

Q Have you ever been to the Ross house at Lenoir? A No sir.

By Hell.

Q How far from the Harry Still place do you live? A Just a short

mile just like going from here over in town.

Q That was in 1865 that you was over there and saw the people

A Yes sir.

Q How long did the Ross stay there with her mother? A I just don't

know there a short time.

Q About how long? A 5 or 6 weeks.

Q Where did she go then? A I don't know where she went, the next

I heard of they was that they had a place up near Lenoir. I has

never been to that place there, don't know where it is.

Q You know that they have lived up near Lenoir though? A Yes sir.

John Buchanan called and sworn as a witness for the applicant.

By Mr. Smith:

Q What is your name? A John Linder.

Q Where do you live? A On Lightning Creek.

Q What is your post office? A Lenoir.

Q How long have you lived there? A 30 years.

Q How long have you lived in the Cherokee Nation? A I was borned

here and raised here.

Q Do you know John Ross and was he in the town of John Ross? A Yes sir I

am slightly acquainted with him.

Q Did you know her before the war? A Yes sir I saw her a time or

two.

Q Was she a slave? A Yes sir.

Q How did she belong to? A The Buchanan's.

Q Where was she when the war came up? A In Flint District.

Q When did you first see her in the Cherokee Nation after the war?

A On Lightning Creek.

Q When? A Fall of '64.

Q How far was she? A Her mother told.

Q Do you know how long they staid in the neighborhood? A I think

they must have staid there 4 or 5 years as far as I can recollect.

Q How far is it from where you saw them to Lewis Whitcomb? A 3 miles north east.

By Bell:

Q You say you knew her long before the war? A Yes sir I saw her about what time was she when the war came up? A Early.

Q How old or 5 years old? A I don't know, I was small myself.

Q About what age was she? A Might have been 7 or 8 I don't know.

Q Where did you see her before the war? A Where they lived on Flint.

Q Where did you live at that time? A On Spavins, this side of Mayesville.

Q How far from Mayesville did they call it? A About 12 miles on the military road right on Spavins, the Jess Duffinger place is where I was raised.

Q How far was that from the Dannenberg place? A It was a long way.

Q How old are you Jack? A As near as I can tell.

Q What was you doing there at the Dannenberg place at that time?

A My master carried me up there.

Q When was that? A That was a long before the war came up.

Q Tell how long before the war came up? A I can't tell exactly, it was not so long before the war came up though.

Q Who was your master? A At that time I belonged to Jim.

Q Jim Landrum? A No sir Jim Murrat they called him.

Q What was he doing there at the Dannenberg place? A On business I guess.

Q Selling some of you? A No sir not exactly, I don't know, I never was sold in my life.

Q How many days did it take you to go up there from where you lived? A 2 or 3 days or more in wagons.

Q How long did you stay there after you got there? A 2 or 3 days.

Q Can you tell close to where they lived in Flint? A No sir I can't.

Q You got through with that visit and came back home and never saw her again until you saw her up here on Lightning? A Yes her mother in Fort Scott.

Applicant recalled and examined by Mr. Smith:

Q Where were you living in 1860? A On California creek, near the Whiskey crossing.

Q Were you and Fanny living together then as man and wife? A Yes sir.

Q Do you know why you wasn't put on that roll? A At the time the census takers came round in the spring of '75, the census takers was Dick Duck and Mr. Hicks, they come to the house and my wife was absent and I gave in her name and all the rest of the family, there was an order from the Chief or the executive office for all those who had not met the census takers before to appear the next day, the district clerks and give in their census, and in '75 I taken my mother in law and went to the clerk and she gave them in and swore to it and approved it by John Freeman--that was the same year that Mr. Wallace made the roll of the freedmen that I went to Tahlequah and got Mr. Rogers to go and examine the office and see if my people was down and he did and the clerk there told him the the district clerk, C. E. Lipe, had never sent in any such census reports.

By Bell:

Q That was in '75? A Yes sir, the time that Jacob Lipe was clerk he took the oath and they said that the first oath that he took then was that of this last census, neither, Fanny, Fanny Dannenberg.

By Smith:

Q Do you know why she was not placed on the 1860 roll? A Just rejected her then, they disputed her after that.

Q You were here at the time? A Yes sir.

By Court: Needles: John F. Ross appears for himself and two children Robert and James Ross. and he wants satisfactory proof

(6)

of his marriage to Ann Dannenberg according to the laws of the Cherokee Nation; the name of the wife is not found on the authenticated roll of 1880, but is identified on the Fern Clifton and Wallace rolls; the names of the two children above named are by his said wife Anna and are identified on the Fern Clifton roll; he makes satisfactory proof as to his marriage in the year 1880 according to the laws of the Cherokee Nation; they are not identified but for the reason that the name of the said Ann Dannenberg, the wife of the said John T. Ross does not appear on the authenticated roll of 1880, and because of the fact that the Cherokee Nation protests the enrollment of these parties, the said John T. Ross will be listed for enrollment as a Cherokee Freedman by intermarriage on a doubtful card, and the two children James and Robert Ross will be listed for enrollment as Cherokee Freedmen on a doubtful card, and the final decision of the Commission will be made known to them by mail.

Chas von Weise, being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full that portion of the testimony as indicated as having been taken by him, and that the foregoing is a full, true and correct transcript of his stenographic notes thereon.

Subscribed and sworn to before me this 6th of June, 1901, at Chelsea, I. T.

(signed) Chas. von Weise

(signed) T. E. Needles,
Commissioner

W. D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he made the foregoing copy and that same is a true and complete copy of the original transcript.

Subscribed and sworn to before me this November 19th, 1901.



COMMISSIONER

Notary Public

Department of the Interior,
Commission to the Five Civilized Tribes,
Chelsea, I.T., June 5, 1901.

In the matter of the application of Emily Nolen for the enrollment of herself and one child as Cherokee Freedmen; being sworn and examined by Commissioner Needles, she testified as follows:

Appearances:

Smith, of Kallette & Smith, for applicant;
W.W. Hastings, for Cherokee Nation.

- Q What is your name? A Emily Nolen.
Q How old are you? A About 50, I guess.
Q What is your post-office? A Ruby.
Q What district do you live in? A Cooweescoowee.
Q You apply to be recognized as a Cherokee Freedman? A Yes sir.
Q Who do you want to enroll besides yourself? A Well I can't enroll only them that's under age can I?
Q That's all.
Examined by Attorney Smith:
Q What children do you want to apply for? A Jessie Rose.
Q Now the next one? A That's all, if you don't let me enroll the boys.
Q Have you any other child that's under age, not grown? A No sir, they are all grown but them three.
Q All except Robert, James and Jessie? A Yes sir.
Q Well, Robert and James have already been applied for by your husband, John J. Rose, so you just apply for yourself and Jessie?
A Well, sir.
Examined by Commissioner Needles:
Q How old is Jessie? A Seven or eight, seven years old I guess.
Examined by Attorney Smith:
Q What is your name now? A Emily Nolen.
Q Were you the wife of John Rose? A Yes sir, I was.
Q How long did you and John live together, about? A I don't know.
Q What children were born ~~xxx~~ to you and John Rose while you were living together? A All my children are his.
Q Give their names? A Charlie, Carrie, Willie, Mary, Geneva, Robert, Jimmie and Jessie.
Q Did you and John separate? A Yes sir.
Q When did you separate? A About four years ago.
Q Where was Robert born? A On California Creek, in the Cherokee Nation.
Q Where was James born? A On Hickory Creek, Cherokee Nation, the same neighborhood.
Q Robert, James and Jessie are living with you? A Yes sir.
Q Where does Geneva live? A She has been living on Lightning Creek.
Q Is she married? A She has been married, but aint now.
Q Where is she living now? A She is living on Lightning.
Q Where does Mary live? A On Lightning.
Q Is she married? A Yes sir.
Q What is her name now? A Mary Blackburn.
Q Where does Will live? A He lives on California Creek, near ~~Ruby post-office~~ Lenapeh.
Q Where does Carrie live? A She lives on Salt Creek, close to Ruby post-office.
Q How far from Ruby? A About a mile and a half.
Q Is Carrie married? A Yes sir.
Q What is her name now? A Freeman. She married George Freeman.
Q Where does Charles live? A He lives near Coffeyville in the Cherokee Nation, on the Verdigris.

- Q You apply for yourself and Jessie do you? A Yes sir.
- Q What was your name before you were married? A Before I married the first time.
- Q You sir? A Dannenberg.
- Q Were you born a slave? A Yes sir.
- Q Who did you belong to? A I belonged to Dannenberg.
- Q Was he a Cherokee? A Yes sir.
- Q Where did you live before the war? A In Flint, Cherokee Nation.
- Q Were you taken out of the Cherokee Nation during the war? A Yes sir.
- Q When did you come back? A I come back in the fall of '66.
- Q Who did you come back with? A I come back with my mother and brother and sister.
- Q What was your sister's name? A Jane Smith it is now.
- Q Anybody else with you? A Uncle Dave French.
- Q What family did your father and mother have at that time at the time you came back here, who were the members of that family?
- A That I belonged to?
- Q Your father's family, you mentioned your sister, Jane Smith?
- A And my brother, James Colbert; there wasn't but those children.
- Q Where did you come to when you come back? A Come to Lightning Creek.
- Q How old are you, you say? A I am about 50 I guess.
- Q You don't know your age? A No sir.
- Q Can you remember how big you were when you came back to the Nation after the war? A I guess I was about 11 years old.
- Q You don't know exactly? A No sir, I don't know my age.
- Q You were not grown? A No sir, I wasn't grown.
- Q Where does your sister, Jane Smith, live? A She lives on Hickory Creek, about nine miles below Coffeyville, in the Cherokee Nation.
- Q What is her husband's name? A Charley Smith.
- Q Where does James Colbert, your brother, live? A He lives near Bartlesville, in the Cherokee Nation.
- Examined by Cherokee Representative, W. V. Hastings:
- Q You say you belonged to Dannenberg? A Yes sir.
- Q Where did you live before the war? A I lived in the Nation, down there close to Flint.
- Q Close to Flint? A Yes sir, I don't know what.
- Q Did Dannenberg live there? A You don't know what district? A No sir, I don't know.
- Q Did Dannenbergs have any children? A Yes sir.
- Q What are the names of some of them? A His oldest girl was named Josephine and the oldest boy was named Henry.
- Q You were living with them at that time? A Yes sir.
- Q Who did your brothers and sisters belong to? A Same person.
- Q All them you have mentioned belonged to the same person? A Yes.
- Q And he was living in Flint District? A I guess it was Flint District, but I remember it was near Flint.
- Q About how big were you when the war came up? A I was quite small.
- Q You don't know, remember anything about the dates then? A I know the dates when I see them, but I can't remember no dates that far.
- Q You were not married when you come back here then? A No sir.
- Q When did you marry John Rose? A I don't know just when.
- Q About how long after you come back here? A I guess about 4 or 5 years.
- Q You never married him in Kansas then? A Yes sir, I married him in Kansas.
- Q When you married him before you come here? A I came down here and then I went back and I married him when I went back.
- Q Where did you come to when you come down here the first time?
- Q I come to Lightning Creek.
- Q Your father alive then? A I don't know anything about my father.

Emily Nolen et al 3

- I never saw him.
- Q What was your mother's name? A Tilda Dannenberg.
- Q She come down with you then? A Yes sir.
- Q Just you and your mother and brother and sister? A Yes sir, and Uncle Dave Frances.
- Q He was along? A Yes sir, and Harry Still.
- Q He was alone? A Yes sir.
- Q How long did you stay down here when you come? A I went back I guess it was in the summer.
- Q What time did you come down? A I came in the fall.
- Q And you stayed here then until the next summer? A Yes sir.
- Q Then you lived in Kansas about four years? A No sir, I didn't stay there until September, I guess about September, and I come back.
- Q Well, you said you married up there? A Yes sir, I married up there.
- Q Didn't you state awhile ago it was about four years after you come down here until you married? A I mean it was four years from the time I come down here the first time.
- Q That's what I meant? A Well I didn't stay up there no four years.
- Q Well you come down here the first time, and you say you went back the following summer? A Yes sir.
- Q Was it about four years when you first came down here after the war that you married Rose? A I came down here the first time with my mother and sister, and I stayed until along in the summer, and I went back and stayed there until along in the fall and I stayed there until in the fall and then I come back and I married up there and I come back that fall.
- Q Was you ever married before? A No sir.
- Q Was Rose ever married before? A Not as I know of.
- Q He was a state man? A Yes sir.
- Q Who went back to Kansas with you? A A young man by the name of Reed Whitney.
- Q Was he any relation to you? A No sir.
- Q How did you two happen to go back together? A There was another girl sent with us.
- Q What place in Kansas did you go to? A We went back to Lawrence.
- Q You were married in Lawrence? A Yes sir.
- Q What year were you married? A I can't tell the dates, I was married, I can't tell how long I have been married and when I did marry.
- Q You can't tell the year you was married in but you could tell the fall you come back here? A Oh yes, I can tell that, because I heard so much talk about it.
- Q You didn't hear so much talk about your marriage? A No sir.
- Q What is your oldest ~~daughter~~ child's name? A Charley Rose.
- Q How old is Charley? A I guess he is about 28.
- Q Where was Charley born? A He was born in the Nation.
- Q Where? A He was born on Grand river.
- Q Who were your neighbors then? A My aunts.
- Q What was their names? A Aunt Mary Ruffington.
- Q You were living then over on Grand river? A No I just went down there on a visit.
- Q How long had you been in the nation then? A I don't remember.
- Q Where was your next child born? A On California Creek.
- Q What was his name? Next one to the oldest child was? A Carrie Freeman.
- Q She was born on California Creek? A Yes sir.
- Q How far down from Coffeyville? A About 15 miles.
- Q What direction? A South.
- Q Have you been living at that place ever since? A First around in the neighborhood ever since.
- Q Where was Carrie Freeman married? A She was married on Hickory Creek.

- Q She ever live in Kansas? A No sir.
Q Did Charley ever go back to Kansas? A No sir.
Q Who did you and your mother live with the first fall after you came back here? A We stayed at Aunt Mariah Hayden's.
Q Did you live in the house with her? A Yes sir. We lived in the house with her awhile, and we had a little house.
Q Who was living with aunt Mariah Hayden? A Why this man Reed Whitney, and this Andy Rider, and her son.
Q That was in the fall of '86 was it? A Yes sir.
Q Where was your aunt Mariah Hayden living then? A Why close just close to where she is living now. I don't know just where the place is, I couldn't tell where, just where the place is now.
Q It was on the same place, but a different house? A Somewheres along there, I have never been there for a long time, and I don't know.
Q She had a house built did she? A I suppose she had I don't know.
Q You don't know whether they were living in a house or not?
A Oh yes, I know they were living in a house, but I don't know how they got it.
Q You know how long they had been living there when you come?
A No sir.
Q Had they raised a crop there, patch? A I guess they had a garden patch, but it has been so long I don't remember.
Q Was Mr. Hayden there? A I don't think he was at that time; you see I was small and then I can't remember very much noway.

Kerns-Clifton pay roll of citizens of the Cherokee Nation examined and applicant and child identified as follows:

page 146 No. 3616 Emily Rose, Cooweescoowee District;

page 146, #3622 Jess Rose, Cooweescoowee District.

Wallace roll of citizens of the Cherokee Nation examined and applicant identified thereon as follows:

page 137 #2859 Emma Rose, Cooweescoowee District.

Examined by Commissioner Needles:

- Q What is your present husband's name? A Manuel Nolen.
Q What was Rose's name? A John Rose.

Com'r Needles: Emily Nolen applies for the enrollment of herself and child Jessie Rose; she cannot be identified upon the authentic tax roll of 1890 or the census roll of 1890, but is duly identified upon the Kern-Clifton and the Wallace rolls, as Emily Rose, that having been her name by former marriage, and to one John Rose, from whom she is now divorced; she has since married one Manuel Nolen; by her first marriage to said John Rose she avers that she had one child, Jessie, and she is duly identified upon the Kern-Clifton roll according to page and number of the roll as indicated in the testimony; she avers that she was formerly married as stated, to one John Rose, from whom she is now divorced; said John Rose was duly listed for enrollment as a Cherokee Freedman on doubtful card 474, the testimony in said case will be made part of the record in the case at bar, and copy of said testimony will be filed with the testimony now being taken; they make satisfactory proof as to residence, consequently, Emily Nolen, and her child, Jessie Rose, will be duly listed for enrollment as Cherokee Freedmen upon what is known as a doubtful card; she will be notified of the decision of the Commission in her case when arrived at.

M.D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof. Subscribed and sworn to before me this 2nd day of June, 1901. (signed) M.D. Green, Commissioner.

Department of the Interior,
Commission to the Five Civilized Tribes.
Cherokee, I. T., June 2, 1901.

In the matter of the application of Charles C. Smith for the enrollment of his wife and six children as Cherokee Freedmen, and for the enrollment of himself as a Cherokee Freedman by intermarriage; being sworn and examined by Commissioner Needles, he testified as follows:

Appearances:

Smith, of Mellette & Smith, for applicant;
W. H. Hastings, for Cherokee Nation.

- Q What is your name? A Charles C. Smith.
Q What is your age? A 35.
Q What is your post-office address? A Elliott, I. T.
Q What district do you live in? A Coweeseowee.
Q You apply to be enrolled as a Cherokee Freedman? A I apply to be enrolled as an adopted citizen.
Q Citizen by intermarriage? A Yes sir.
Q For whom do you apply besides yourself? A My wife and children.
Q How many children? A I have got ten children altogether, but there's some of them will enroll themselves.
Q Well, how many have you got under age? A Six, I believe.
Q What is your wife's name? A Jane Smith.
Q How old is she? A I don't know her age exactly, but somewhere about 45 or 6, best of her knowledge.
Q Is she a recognized citizen of the Cherokee Nation? A I can't say exactly to whether she is or not; she was admitted at one time to the admitted roll, but after that I understood that she had been erased by some means or other, I don't know what.
Q Does her name appear upon any of the rolls? A Yes sir, she appears on the Wallace roll and the Kerns-Clifton roll.
Q Give me the names of your children, these that are under age?
A Chester Smith.
Q How old is Chester? A 19.
Q Next child? A Frank Smith.
Q How old is Frank? A 17.
Q Next one? A Bertha Smith.
Q How old is Bertha? A 15.
Q Next one? A Catherine.
Q How old is Catherine? A 12.
Q Next one? A Curtis.
Q How old is Curtis? A Eight.
Q Well? A Next one is Melvina.
Q How old is Melvina? A Five.
Q Are these children all living at this time? A Yes sir.

Kerns-Clifton pay roll of citizens of the Cherokee Nation examined and applicants identified thereon as follows:
page 147 #3627 Jane Smith, Coweeseowee District;
page 147 #3628 Chester Smith, Coweeseowee District;
page 147 #3631 Frank Smith, Coweeseowee District;
page 147 #3632 Bertha Smith, Coweeseowee District;
page 147 #3633 Catherine Smith, Coweeseowee District.

- Q Did you draw for Curtis? A No sir.
Kerns-Clifton pay roll of citizens of the Cherokee Nation examined for child, Curtis, and name not found.

Wallace roll of citizens of the Cherokee Nation examined and applicant identified thereon as follows:
page 138 #2894 Jane Smith, Coweeseowee District;
page 138 #2900 Chester Smith, Coweeseowee District.

Wallace roll examined for Frank Smith and name not found;
1896 census roll of citizens of the Cherokee Nation examined
and applicants not found thereon;
1880 authenticated roll of citizens of the Cherokee Nation
examined and applicant not identified thereon.

Examined by Attorney Smith:

- Q Mr. Smith, what was your wife's name before you married her?
A Her name was Jane Dannenberg.
Q How long have you and your wife been married? A We have been
married thirty-one years I believe, to the best of my knowledge
this last April past.
Q Have you been living together all the time since you were mar-
ried? A Yes sir.
Q These children whose names you have mentioned, have they been
born to you and your wife while you have been married? A Yes sir.
Q Have you any other children other than these six whose names
you have given? A Yes sir.
Q What are their names? A The oldest one living is named Pearl
Smith.
Q Is she married or single? A No sir, it is a boy, yes sir, he
is married, he is here on the ground.
Q What is the next one? A Next one is Clara, she is married.
Q What is her name now? A She is named Clara Morris.
Q What is the next one? A Matilda.
Q Married or single? A She is single, lives with me.
Q Next one? A Oldest child I have is Elnora, she is single and
lives with me.
Q Ever been married? A No sir.
Q Where do you live? A I live in the neighborhoods of Hickory
Creek, Cherokee Nation.
Q How long have you lived there? A I have lived there and in the
vicinity around about there, that is from there to California
Creek, for about 26 or 27 years, I judge, something like that. Maybe
more, or maybe little less. Somewhere along in there though,
I have been living in that neighborhood, about 27 to the best of
my knowledge, I believe, or 28.
Q What did you say your wife's name was before you married her?
A Jane Dannenberg.
Q Did she have any sisters or brothers? A She had one sister, and
one brother.
Q What was her sister's name? A Emily Dannenberg.
Q Who did she marry? A She married a man named John J. Rose.
Q Is she the woman who was on the stand just before you came
on? A Yes sir.
Q Has your wife any brothers? A Yes sir, one.
Q What is his name? A James Colbert.
Q How long had you been acquainted with her your wife, when you
married her? A I had been acquainted with her about three months
I judge as near as I can guess, maybe not quite so long.
Q How long have you lived in the Cherokee Nation? A I have lived
in the Cherokee Nation, that is, continuously, I have lived in the
Cherokee Nation since '83, I believe, made it my continual home
since that time.
Q Where did you marry your wife? A I first married my wife in the
state of Kansas.
Q Did you marry her more than once? A Well not exactly married
her, I got a license.
Q Did you get a license to marry your wife in the Cherokee Nation?
A Yes sir.
Q In what district? A Geoweeessee District.
Q Did you marry your wife then in pursuance of that license?
A Yes sir.
Q Whereabouts? A Did I marry her you mean?

Q In accordance with that license you got in Coconoscooee District?
A I never had the ceremony performed, I only got the license, and on inquiry, I went to get the preacher to marry me, and on inquiry, Cherokee Representative W. V. Hastings; I see what he is going to state what the preacher or somebody else told him--
Applicant: I am going to state what I know to be the fact.
Com'r Needles: State it.

Applicant, resuming answer: I went to get married, and when the preacher inquired for my license they were lost; I had lost my license and of course, consequently I couldn't obtain a license, that was the reason I wasn't married under this license I bought, but after that time I went to the clerk I think and made a statement that my license were lost, and asked for papers so as to perform the ceremony, and he didn't give them to me, refused to give them to me, and after it, allowed it made no difference, it was on the book and that satisfied the law, that's what Mr. Lipe told me, that that satisfied the law, and I had bought them and paid for them, and as I were already married that it wasn't necessary and there was no law to compel a man to marry over again.

Cherokee Rep'v Hastings, W.V.: I object, I am going to have this objection; I must not be run over that way; when I object it is courteous for attorneys to wait. Comes now the Representatives of the Cherokee Nation and moves that that much of the witness's testimony relating to what Mr. Lipe told him be stricken from the record, as it is partly hearsay.

Attorney Smith: I will state in that connection that the only proof of the testimony would be of some other testimony that's all related and the testimony is with reference to an instrument which he says is lost, and I think it is competent for us to state the facts in connection with it.

Com'r Needles: The objection is entered there.

Q Mr. Smith: Did you get any paper from any of the Cherokee officials with regard to the recording of any marriage license issued to you? A Yes sir.

Q Is that the paper? (Hands paper to applicant) A Yes sir, that's the paper.

Attorney Smith: I would like to offer in evidence the paper. (Hastings examines paper and hands it back to Smith.)

Smith: Applicant desires to offer in instrument under the seal of the Coconoscooee District, signed by Joe M. Leahy, clerk of said district.

Cherokee Rep'v Hastings: If the court please, here is the point I want to object to; I don't want the contents of this paper stated, because if it is ruled out you have got the contents in; let him offer a sufficient amount to identify the paper, then the paper speaks for itself, but if he gives all that is in the paper, there is no need to introduce the paper, it is already in. He shows enough to identify the paper.

Com'r Needles: That's all that is necessary.
Smith: continuing: for the purpose of showing that a license which is stated by the witness to be lost, was issued by the Cherokee Nation, permitting said applicant to marry his wife according to the laws of the Cherokee Nation.

Cherokee Rep'v W. V. Hastings: Come now the Representatives of the Cherokee Nation, and object to the above, as being an outrageous proceeding in the attempt to get a paper introduced into this record which does not show from the record or proof, but the attorney's second. The paper admitted to be introduced shows upon its face that it was simply an Affidavit made before George T. Nave, on the 6th day of August, 1897, and affidavits have always been excluded from the testimony; and the fact that an affidavit has been recorded in the clerk's office does not give it any more strength before the Commission.

Applicant. Mr. D.W. Lipe, give me that.

Smith: I don't consider anything as evidence which has been issued by any of the Cherokee officials and which bears the seal of the Cherokee Nation. We are trying to establish the fact of a lost paper, and the only other evidence in the world is in the possession of the opposite party; that in itself would make it inadmissible.

Com'r Maclellan: The policy of the Commission has been, and the rule of the Commission, has been not to permit affidavits of this kind nor of any other kind, but as far as the certificate on the back, I think the indorsement on the back could be admitted, but I don't think the affidavit can.

By Cherokee Dep'ty Hastings: I agree that what's on the back should be read to the clerk, and let the other be withdrawn.

Com'r Maclellan: Yes, that's right; paper is presented with the following indorsement:

Mr. Smith: "Recorded on page 241, Book F Records of Marriages Cooweescoowee District, C.N., signed, J. W. L. Hay, Clerk Cooweescoowee District, by E. Lee Cline, Deputy Clerk, and bearing the seal, Cooweescoowee District, Cherokee Nation. Justice."

Applicant further examined by Attorney Smith:

Q Now, Mr. Smith, you wanted to make a statement, what was the statement? A The statement I want to make to Mr. Hastings is this: That I went to Mr. D.W. Lipe, and called his attention to and made him recollect of issuing me a license.

By Hastings: Q Is Mr. Lipe alive? A Yes, sir.

Q Living in Cooweescoowee District? A Yes, sir.

Q His post-office is Claremore? A Yes, sir.

Mr. Hastings: I am going to object to any further statement Mr. Lipe should have made to him.

Mr. Smith: I think it is fair to let him state what he did.

Mr. Hastings: You haven't shown that this paper is lost.

Com'r Maclellan: I don't think it is necessary to be so technical about this matter; all we want to get is the facts in the case. I think you had best produce the best testimony you can get; there is no trouble about getting Mr. Lipe here as a witness.

Attorney Smith: I will ask for a subpoena, because I don't think we could get him without one.

Com'r Maclellan: We will issue a subpoena to D.W. Lipe, to appear instantly.

Applicant examined by Attorney Smith:

Q You made some statement here about having been admitted with your family at some time, what did you mean by that? A I went before the Cherokee National Council or Committee that set for the Cooweescoowee District.

Q When did you do that? A I think my memory serves me right it was in '93 as well as I can recollect in the winter of 1893, just after Christmas, first part of 1893.

Q What was your statement about your names being put down and taken off? A I said I went before the National Council with evidence and was admitted by the Commission, and by some unknown cause I don't know what, that I wore, from then, that the names were erased by red ink acrossed them, after being accepted.

Q Well, say you have lived in the Cherokee Nation how long? A To the best of my recollection it has been somewhere 27 or 28 years; somewhere along there, I don't know exactly, but somewhere along in that neighborhood, that is myself I have referred to my own.

Q I know; where is your wife now? A She is at home, Cooweescoowee District.

Q Why isn't she here? A She was here on the ground and one of my children got very sick, and they sent for her and I both, to come forthwith, and I taken her home, and had to leave her there on account of the child.

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- Q On account of sickness in your family? A Yes sir.
Examined by Cherokee Representative, W.W. Hastings:
Q How far do you live from Nowata? A I live, let's see, 12 and 5 is 17 miles.
Q What direction? A North.
Q How far do you live from here? A It must be between 40 and 45 miles, I judge, the way you have to go.
Q What is your oldest child's name? A Minnie Smith.
Q How old is she? A She was 30 I think this birth-day.
Q What is your next oldest child named? A My next oldest child was named Walter.
Q How old was Walter? A I think he was 28, if he had been living, he is dead.
Q What is the next one? A Pearl.
Q How old is that? A 26.
Q You didn't know your wife before the war? A No sir.
Q You first met her after the war? A Yes sir.
Q When you first met, did you first see your wife? A I first saw my wife about February I think, of '70, I think it was in the month of February, as well as I remember.
Q In what year did you marry her? A In '72.
Q Where did you marry her? A In Kansas.
Q Where was Charley born, your oldest son? A My oldest son was born on California Creek.
Q In the Cherokee Nation? A Yes sir.
Q Where was the next one born? A My next one was born on California Creek.
Q In the Cherokee Nation? A Yes sir.
Q Where were you? A I was there when they were born.
Q Where were you living? A On California Creek, Cherokee Nation.
Q How old was your oldest child? A 30 last birth day.
Q Florida? A Yes sir.
Q Where was she born? A I am told she was born on Grand River, I wasn't here myself.
Q Where were you living at the time she was born? A I was in Topeka, Kansas.
Q Where did you move from when you moved here 27 years ago? A I come from Kansas here myself, and I come from Kansas when I married; I came from Kansas directly here, then I went back to my work, again.
Q And you stayed up there about four years? A No sir, I did not stay, I stayed there about fifteen and say I guess about a year and a half.
Q You said your oldest child was 30, and you were married in '70 and you said you came here 27 or 8 years ago? A Yes sir, come where along there.
Q How long after you were here the second time until you applied for this license, I mean after you moved down here? A I have applied for my marriage license here until '74.
Q Who was Clerk then? A D. J. Lips.
Q He issued it did he? A Yes sir.
Q Where was Mr. Lips living then? A He was living near Dog Creek, somewhere down on Sweetwater, somewhere down there.
Q You had been here how long then? A I had been here nearly ten years I think, myself, before I made any application for any.
Q Your wife lived with you up in Topeka? A No sir, she did not, only about, I think we married in April and I started down to the Territory, in the month of May sometime during May, I recollect, I got down on the first day of June.
Q Who was your wife living with up there when you married her? A She was working for a family named Gillotts.
Q Where was her mother? A Down here, at least I found her here when I came.
Q When you and your wife first located you came to California Creek did you? A No sir.
Q Where? A To Lightning Creek, where my mother-in-law lived.

Q Creek did you? A No sir.

Q Was she living on Lightning Creek then? A At that time, yes sir.
Q Was she in '73 or '74? A That was in '70 at that time when I first came here with my wife, it was in '70.

Q But your wife didn't go back with you? A No sir.

Q She never stayed up there in Kansas with you and? A No sir, and never stayed up there with me at all.

Q You were her husband all the time? A Yes sir.

Q Where did you live, first located a home here, where did you have your home first? A I first located a home on California Creek.

Q When was that? A In '73.

Q You have owned it since? A No sir, I sold it about ten or 12 years, 14 years, probably, I think maybe 16.

Q Where did you go then? A I went below there about three miles, and made me another place.

Q Do you live there now? A No sir, I am the place, my son lives there, I don't live there myself, I live on Hickory Creek, about 10 miles above there, north.

Q You went before the Council to be re-admitted? A Yes sir.

Q Who composed that Commission, that you went before? A Mr. Ed Sanders, as the Chairman of the Commission, now the other members I don't know them.

Q Ed Sanders, Senator from this district? A Yes, I was acquainted with him.

Q That was only a committee of the Council? A It was a Commission, Govt they called it for applications to be appear before them for citizenship, so I was informed.

Q They were members of the Cherokee Council? A Yes sir, they were members of the Cherokee Council at the time.

Q You were advised that this was a committee of the Council? A I don't know that I was or that I wasn't.

Q You don't remember now all the rest of them? A No sir, I wasn't acquainted with any of them but Mr. Sanders.

Q Has never got any paper showing that you was admitted to citizenship? A No sir.

Q No official paper? A No sir.

Q No official act of the Council? A No sir.

Q Now do you claim that you have been living here continuously since '73? A Yes sir.

Examined by Attorney Smith:

Q You speak with reference to yourself, when you say since '73?

A Yes sir, I speak with reference to myself.

Q Where were you from? A I was formerly from Ohio to Kansas, born and raised in Ohio.

Attorney Smith: I think, if the Court please, that the testimony taken in John A. Rose case, covers his case, but if after reading that I find it is necessary to introduce another witness I want to do that.

Cherokee Rep're Testimony: Examining Applicants:

Q Were you ever married before? A No sir, I never was.

Gov'r Needles: The applicant applies for himself, as a Cherokee Freedman, and he also applies for six children, Charles, Frank, Martha, William, Curtis and Melinda Smith, the name of his wife cannot be found upon the authenticated roll of 1830 or the census roll of 1850, but he only identified upon the Roll Clinton and the Wallace rolls, the names of his children are duly identified on the Fern-cliffing roll, except Curtis and Melinda; it will be necessary for him to file satisfactory proof of birth of said children, their names not appearing on any roll; they all make satisfactory proof as to residence, and consequently, Charles C. Smith will be listed for citizenship as a Cherokee Freedman by intermarriage on a doubtful card, his wife, Jane, and her children as enumerated herein will

Charles C. Smith et al v

be listed for enrollment as Cherokee Freedmen on a doubtful card, in this connection reference is made to the testimony taken in the nation on the application of John V. Rose for the enrollment of himself and children, who were listed for enrollment on D card 574. The testimony taken in said case will be made a part of the record in this case at bar, and a copy of same will be filed with the application now being made; reference is also made to the testimony taken in the matter of the application of Emily Nolan for the enrollment of herself and child, which is also listed for enrollment on the same Freedmen doubtful card 511, said testimony will be made part of the record in the case at bar; applicant will be notified of the decision of the Commission when arrived at.

M. D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this June 6, 1901.

(Signed) T. D. Green.
(Signed) T. D. Needles,
Commissioner.

Department of the Interior,
Commission to the Five Civilized Tribes,
Cherokee, I.T., June 5th, 1901.

In the matter of the application of Charles Smith et al C.F.D. 514.
SUPPLEMENTAL TESTIMONY ON THE PART OF THE APPLICANTS.

W. W. Hastings, present for Cherokee nation.

Mallett & Smith, present for applicants.

HARRY STILL, called and sworn as a witness by Commissioner T. D. Needles, testified as follows for the applicants:

By Mr. Smith:

Q What is your name? A Harry Still.

Q Where do you live? A Hayden.

Q Do you know Jane Smith? A Yes sir.

Q Do you know Charles Smith? A Yes sir.

Q Do you know this Charles Smith who stands here? A Yes sir.

Q Who was Jane Smith before she married? A Milda Dannenberg.

Q Was she a slave? A Yes sir.

Q Who did she belong to? A Dannenberg.

Q Was he a Cherokee Indian? A I don't know if he was intermarried or an Indian, he was Dick Dannenberg's father and Dick was an Indian.

Q Was he a citizen of the Cherokee Nation? A Yes sir.

Q You testified in the John Rose case? A Yes sir.

Q Is the Jane Dannenberg that you referred to in that case the same Jane Dannenberg that you who is the wife of Charles Smith? A Yes sir.

Q When did you first see Jane Dannenberg in the Cherokee Nation after the war? A I brought her here in '68.

Q Who else did you bring along? A Her mother and sister and brother.

Q What was her mother's name? A Milda Dannenberg.

By Hastings:

Q How long did they live up there? A 5 or 6 years.

Q Right at that same place? A Yes sir.

Q I believe that you testified that you bought the place after-
wards? A Yes sir.
Q What became of her? A She died after she left there.
Q You mean this man's wife? A Yes sir, her mother, his mother-in-law.
Q I mean his wife? A She is home sick.
Q Did she come in that country? A Yes sir.
Q How long was she there? A 3 or 4 months and then
went away and when she came back they was married.
Q How long a child then, how long you know if she did or not.
A Eight or nine months is your best judgment as to how long she
staid there? A No sir she was gone 3 or 4 months and then come back.
Q With this man? A Yes sir.
Q That was 3 or 4 years after the war then? A No sir, that was
in '70.
Q When did she go off with him for 3 or 4 months? A In 69 some-
time.
Q Then she only staid there 3 years before she went away? A But
her mother staid there all that time.
Q But I mean her? A She must have staid there 3 or 4 years up to
the time that she went away and married.
Q There has been some living since she came back with him? A Right
in the Nation.
Q You are positive of that? A Yes sir.
Q Didn't she have a child when she came back that time? A I don't
know if she did or not.
By Smith:
Q About how old was she when she came back after the war? A 16 or
17 years old.
Q And she lived there 3 or 4 years you think? A Yes sir.
Q How long did you say she had been gone when she came back?
Q Some time in 69 or first of 70 and went away.
Q How long had she been away before you saw her again? A Not so
very long when she came back with this man.

Chas. von Weiss, being sworn, deposes that as stenographer to the Com-
mission to the Five Civilized Tribes he reported in full all the
proceedings in the above named and that the foregoing is a full, true
and correct transcript of his stenographic notes therein.
(signed) Chas. von Weiss,
Subscribed and sworn to before me this 8th of June, 1901, at
Chelsea, I. T.
(signed) T. B. Tisdale,
Commissioner.

SUPPLEMENTAL, in D-514.
Department of the Interior,
Commission to the Five Civilized Tribes,
Chelsea, I. T., June 8, 1901.

In the matter of the application of Charles O. Smith, et al, to
enroll in the Cherokee Freedmen, Charles O. Smith, being called
and having been duly sworn before by Elizabeth C. Peckham, Not
Public Examiner by Cherokee Representative, W. V. Hastings, states:

Appearance:
Smith, of Kallette & Smith, for applicants;
Hastings, for Cherokee Nation.

Q What witness did you have at Fairbault when you went down there
and applied in 1893, as you stated, when Mr. Ed Sanders was Chair-
man of the Committee or Commission? A I had Mr. Richard Happersberg,
my wife's young master, so said to be, I don't know, and David
French.
Q Were those the only ones you had? A I am not positive, probably
George Vann, I want say positive George was present; there were sev-
eral present.

By Attorney Smith:

Q. Richard Dannerberg, you say?

A. Yes, sir. I am a stenographer to the Commission to the Five Civilized Tribes. I have correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(signed) W. D. Green.

Subscribed and sworn to before me this June 7, 1901.

(signed) C. R. Breckinridge,
Commissioner.

Supl. C. B. 7812, Freedmen.

Department of the Interior,
Commission to the Five Civilized Tribes.

Muskogee, I. T., March 4, 1902.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of
EDWARD WRIGHT as a Cherokee Freedman, introduced on part of the
Cherokee Nation.

The Cherokee Nation by its representative, under satisfactory
proof of service on E. B. Lawson, the attorney for the
applicant in this case, that testimony could be introduced
by the

representatives of the Cherokee Nation tending to disprove the right of said applicant, Edward Wright to citizenship in the Cherokee Nation at the offices of the Commission in Muskogee, Indian Territory, on the 3rd day of March, 1902, and from day to day thereafter until the same could be heard by the Commission during the usual business hours.

Cherokee Nation represented by its representative, L. B. Bell.

C. V. Rogers, being duly sworn, testified as follows on part of the Cherokee Nation.

MR. BELL:

- Q Tell him your name? A C. V. Rogers.
- Q Age? A 63 years old.
- Q Place of residence? A Claremore.
- Q Are you a citizen of the Cherokee Nation? A Yes, sir.
- Q How long have you been such? A All my life, a little over 63 years.
- Q Did you go out of the country during the war? A Yes, sir.
- Q When did you return? A '66.
- Q Where did you come to? A Come to Fort Gibson.
- Q And stayed there did you? A Yes, sir.
- Q Well what was your business? A After I come back?
- Q Yes? A I followed freighting for something over three years.
- Q Where and between what places? A Sedalia and Pleasant Hill and Kansas City to Fort Gibson.
- Q Were you ever acquainted with a Freedman by the name of Moses Whitmire? A Yes, I know him.
- Q Where did he belong before the war? A He belonged in Going Snake District.
- Q Do you know what particular Whitmire he belonged?
- A I don't remember whether he belonged to George Whitmire or Lee Whitmire.
- Q If you did see him when did you first see Moses Whitmire after the war, after your return to the Cherokee Nation?
- A As well as I can remember it was in February, '68; I met him just on this side of the Neosho River, as they were moving back to this country from Kansas. There was between 24, from 24 to 25 wagons and I met them right on this side of the Neosho River; Dick Whitmire, Moses Whitmire and Aaron Whitmire and old Major Wright is all I know in the outfit.
- Q Did you have any conversation with them, stop and talk with them?
- A Yes, sir, and Col. Bill Ross passed while I was talking to them going to Fort Scott.
- Q Did you ask them where they was going to? A They said they was moving back.
- Q Well this 25 or more wagons was loaded with people?
- A Yes, mostly every one had household goods in them.
- Q Colony of Cherokee Freedmen? A Yes, sir, coming back to the Cherokee Nation.
- Q Well now that was; where you say it was? A It was right on this side of the Neosho River; between the old Hudson place and Neosho River.
- Q How far from the Neosho River? A I suppose half a mile.

Q How far from the north line of the Cherokee Nation?

A I think the river is the line, about half a mile.

Q And how far is that from the Kansas line? A The Neosho is the line, way I understand it.

Q You had reference to where the military road crosses the Neosho river? A Yes, sir.

Q At Jack Molain's ferry? A They called it Hudson ferry at that time.

Q Hudson lived there? A Yes, sir, in about a half mile.

Q And this Moses Whitire you met and talked with is the same one you knew in Going Snake and belonged to the Whitire family there?

A Yes, sir.

Q About how old a man was he when you met him? A He is an older man I think than I am.

Q And you saw other with him you knew? A I think Aaron Whitire and Moses Whitire and old Major Wright is the old ones I know.

Q And you talked with him there? A Oh, I guess I talked with him ten or 15, 20 minutes and while I was talking to him Col. Ross passed going to Fort Scott.

Q Do you know where this man Whitire lives now, Moses Whitire you met?

A No, I don't know where he lives.

MR. HASTINGS, Cherokee Representative:

Q Don't you know he lives on Salt Creek near Hayden? A No, I don't know for certain I heard he lived on Big Creek. I don't know thought where he lives, I have saw him ever since I have been here. I don't think I ever was at his house.

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I hereby certify upon my official oath as stenographer to the Commission to the Five Civilized Tribes that I correctly recorded the testimony and proceedings had in this case on the above date, and that the foregoing is a true and complete transcript of my stenographic notes thereof.

(Signed) J. O. Rossen.

Stenographer.

Department of the Interior,
Commission to the Five Civilized Tribes,
Cherokee, I.T., June 5, 1901.

In the matter of the application of Pearl Smith for the enrollment of himself as a Cherokee Freedman; being sworn and examined by Commissioner Needles, he testified as follows:

Appearances:

Mr. Smith, of Mellette & Smith, for applicant;
W.W.Hastings, For Cherokee Nation.

- Q What is your name? A Pearl Smith.
Q How old are you? A 26.
Q What is your post-office? A Lenepah.
Q What district do you live in? A Coowasacoo-wee.
Q You apply to be enrolled as a Cherokee Freedman? A Yes sir.
Q Are you married? Yes sir.
Q You want to enroll anybody but yourself? A No sir, my wife has applied for enrollment.
Q Did you ever apply to be enrolled by any other nation or tribe? A No sir.
Q What is your father's name? A Charlie Smith.
Q What is your mother's name? A Jane Smith.
Q Is your name on the authenticated roll of 1880? A No sir.
Q On the Kern-Clifton pay roll? A Yes sir.

1880 authenticated roll of citizens of the Cherokee Nation examined and applicant not identified thereon;
1896 census roll of citizens of the Cherokee Nation examined and applicant not identified thereon.

Kern-Clifton pay roll of citizens of the Cherokee Nation examined and applicant identified thereon as follows:
page 146 #3625 Pearl Smith, Coowasacoo-wee District;
Wallace roll of citizens of the Cherokee Nation examined and applicant identified thereon as follows:
page 138 #2897 Pearl Smith, Coowasacoo-wee District.

Examined by Attorney Smith:

- Q Who was your father? A Charlie Smith.
Q Are you related to Emily Nolen who was John Ross's wife? A Yes sir.
Q What kin is she to you? A My aunt.
Q Are you kin to James Colbert? A Yes sir.
Q What kin is he to you? A My uncle.
Q Where do you live? A On Wolf Creek.
Q What is your post-office? A Lenepah.
Q How long have you lived there on Wolf Creek? A I have been living there about six years.
Q How long have you lived in the Cherokee Nation? A All my life.

Examined by Cherokee Representative, W.W.Hastings.

- Q Where were you born? A I don't know; they told me I was born on California.
Q Com'r Needles: On California Creek, Cherokee Nation, you mean? A Yes sir.
Q By Hastings: Where were you when you were first old enough to remember? A On California Creek.
Q Have you lived in the Cherokee Nation ever since? A Yes sir.
Q Did you ever work in Kansas? A No sir.

Com'r Needles: Pearl Smith applies for the enrollment of himself; his name cannot be found upon the authenticated roll

Pearl Smith 2

of 1880 or on the census roll of 1894; he is only identified upon the Kern-Glitten and the Wallace rolls, according to page and number of the rolls; he avers that he is a child of Charles Smith and Jane Smith, who are listed for enrollment upon doubtful card 514, and the testimony taken in said case to be part of the record in this case, and copies thereof filed herewith; Pearl Smith will be listed for enrollment as a Cherokee Freedman on a doubtful card, and he will be notified of the decision of the commission; also reference is made to D 511 and D 474, which is a part of the Charles Smith case, and same will be made a part of this case.

M.D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

M.D. Green

Subscribed and sworn to before me this June 7, 1901.

A. Mendenhall

Commissioner.

Department of the Interior
Commission to the Five Civilized Tribes,
Vinita, I. T., October 15, 1901.

In the matter of the application of Elizabeth Meigs et al. for
enrollment as Cherokee Freedmen.

Testimony introduced on behalf of the Cherokee Nation.

Appearances

L. T. Brown, Agent for the applicant;
J. S. Davenport, of counsel for Cherokee Nation.

L. T. Brown: I would like to have the record show that
sometime next week the applicant intends to introduce as wit-
nesses in this case, Aaron Wright, Rouben Sanders, Dan Sanders,
and Sam Webber, for the purpose of showing that all the appli-
cants in this case returned to the Cherokee Nation during the
time prescribed by the Ninth Article of the Treaty of 1866.

Commissioner Needles: Hadn't that already been shown?

L. T. Brown: And that they have had a continuous resi-
dence in this country since that year.
Commissioner: Well, that is all right.

ROBERT MEIGS, being duly sworn by Commissioner Needles, tes-
tified as follows:

Mr. Davenport: What is your name? A. Robert Meigs.

Q. Where do you live? A. I live five miles southwest of Tahlequah.

Q. What is your postoffice? A. Park Hill is my postoffice.

Q. How old are you? A. I am 56 my next birthday.

Q. How long have you lived in the Cherokee Nation? A. I have lived
here all my life except a little while time of the war, from '64 to
'65.

Q. Did your people own any slaves before the war? A. Yes sir.

Q. Do you know whether they owned a woman by the name of Elizabeth?

A. No sir.

Q. Do you know whether or not they owned her mother, or anybody of
the family? A. Elizabeth, no, sir.

Well, did you know Peter Meigs? A. Yes sir.

Q. Do you know what his wife's name was when the war broke out?

A. Betsy they called her.

Well, was she living, Betsy, at the time the war broke out?

A. Yes, sir.

Well, did you ever know her by any other name than Betsy?

A. Bettie.

Q. Where was Peter Meigs and his family at the breaking out of the

war? A. Well Peter was with us at home at the breaking out, but he
and his wife was up there somewhere near the Dutch Hills on the
Arkansas line.

Q. Well I wish you would look at that woman there and see if she is
the woman you knew as Betsy or Bettie or whatever you knew her by
(indicating applicant)? A. Yes, I think that is the one, I have
never seen her but once.

Q. That is since the war? A. I just saw her once in my life and
that was time of the war, after the war.

Q. Did you ever see Peter Meigs and his family after the war? A. Yes,
sir, saw Uncle Peter.

Q. What year was that? A. Sometime after '72.

Q. That was the circumstances as to your seeing him or meeting him?

Q. Why he had to come down to Council to see about fixing up his
rights, and he came down to meet my brother John, we were right
together, and I went up there to see him.

Q Did you have a conversation with him or did he have a conversation with your brother John in your hearing where he and his wife were present in regard to his right or when he returned? A Yes sir.

Q Give that conversation as near as you can.

L. T. Brown: The applicant objects to this witness relating any conversation he might have had with Peter Meigs, for the reason that Peter Meigs is dead and cannot affirm or deny this statement.

Commissioner: The objection will be noted and the witness will answer.

Q Go ahead and state what the conversation was between you? A He was talking about returning, he said he came down here in the fall of '66 and started to make him a place somewhere on Big Creek and his family wasn't with him, and afterwards when he returned why it was too late when he brought his family.

Q Did you ever see any other members of his family excepting he and his wife at the time you speak of? A No, sir, just him and his wife is all, I wasn't acquainted with the children.

Q Do you know where he was living at that time? A He said he was living on Big Creek somewhere.

Q That was in what year? A This was after '71 sometime, I don't know just what time it was.

By L. T. Brown: Now what did you say that conversation was, Mr. Meigs? A Why he said that he had come down to make him a place somewhere up here on the Verdigris, or Big Creek, and he started to make him a cabin, and put up the wall, and then went back for the family.

Q He told you that he came down and started him a little cabin with the intention of making him a home in the fall of '66? A He said he came down and started to make him a home.

Q In the fall of '66? A Yes, in the fall of '66.

Mr. Davenport: Well, what did he do after he started that home, did he say, after he started that cabin? A Went back after his family.

Q And he stayed up there till when he came back down here it was too late, is that what he told you? A Yes, sir.

L. T. Brown: How long did he tell you he stayed up there in Kansas after he had the first trip? A He didn't state, I believe he gave but one date.

Commissioner: This testimony will be made part of the record in the case at bar, and also part of the record in D case 394, D-396, D-398, D-404, D-402, D-401, D-407, and D-775, and the sub-references.

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C. Jones.

Sworn to and subscribed before me this the 7th of November, 1901.

T. B. Needles,

Commissioner.

File with Cherokee Freedman D-391, Elizabeth Meigs.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, O. T., October 19, 1901.

In the matter of the application of Elizabeth Meigs et al. for
enrollment as Cherokee Freedman.

Supplemental testimony on behalf of the applicant.

Appearances:

E. T. Brown, agent for applicants;
L. E. Bell, of counsel for Cherokee Nation.

DANIEL SANDERS, being duly sworn by Commissioner Needles, tes-
tified as follows:

By L. T. Brown: State your name? A Daniel Sanders.

Q What is your age? A About 59.

Q What is your postoffice address? A Centralia.

Q Are you a recognized citizen of the Cherokee Nation? A Yes, sir.

Q Does your name appear upon the authenticated roll of 1880?

A I think it does.

Q You know Elizabeth Meigs and George Meigs? A Yes, sir.

Q What relation is George Meigs to Elizabeth Meigs? A Her son.

Q Did you know Peter Meigs during his life time? A Yes, sir.

Q Do you know whether Peter Meigs, Elizabeth Meigs, and George Meigs
were out of the Cherokee Nation during the war? A Yes, sir.

Q When did they return to the Cherokee Nation? A They came in '66.

Q With whom did they return? A They came with me and my father
and the Webbers.

Q Have they had a continuous residence in the Cherokee Nation ever
since? A Yes, sir.

Mr. Bell: When did you come to the Cherokee Nation yourself after the
war? A In '66.

Q What time of the year? A First of December.

Q That was the first time? A Yes, sir.

Q When did you make your second trip? A Along in first part of
January.

Q That was January, 1867? A Yes, sir.

Q Now which one of these trips was it that Peter and his family
came with you? A They came both times.

Q Came both times? A Yes, sir, the old man came the first time and
then the last time the family came.

Q Peter came with you alone the first time? A Yes, sir.

Q Then the second time he brought his family? A Yes, sir.

Q What did his family consist of? A Mary, George, Alice, Harry, Simon,
and Perry.

Q Then was his children? A Then was his children.

Q Well he had his wife Elizabeth with him, didn't he? A Yes, sir.

Commissioner: This testimony will be filed and made part of
the record in the case at bar and part of the record in D-394, D-396,
D-398, D-401, D-402, D-404, D-407, D-775.

Bruce C. Jones, being duly sworn, says that as stenographer to
the Commission to the Five Civilized Tribes he correctly recorded the
proceedings and testimony in the above case, and the foregoing is a
true and complete transcript of his stenographic notes thereof.

Bruce C. Jones.

Sworn to and subscribed before me this the 7th of November, 1901.

T. B. Needles,

Commissioner.

The undersigned, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he made the foregoing copy, and the same is a true and complete copy of the original.

Roy Palmer

Subscribed and sworn to before me this the 8th day of August, 1902.

Wm. C. Jones
Notary Public.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T. October 23rd 1901.

SUPPLEMENTAL TESTIMONY in the matter of the application of John J. Rose, C. F. N. 474.

Appearances;

James S. Davenport for the Cherokee Nation.
Mellette & Smith for the applicant.

PHILLIS GUNTER being first duly sworn by Com'r T. B. Needles, testified as follows on the part of the Cherokee Nation:

(By Davenport)

Q What is your name? A Phillis Gunter.

Q Where do you live? A In Goose-neck Bend, Goose-neck district.

Q How old are you? A I just don't know my age exactly.

Q Do you know John J. Rose? A Yes sir, I know him.

Q Do you know Emily Nolen who was formerly the wife of John J. Rose?

A Yes sir.

Q Where did you first get acquainted with them? A I was acquainted with their mother in Slave times.

Q With their mother, whose mother do you mean? A Emily's mother.

Q What was her name? A Matilda Dannenburg.

Q Were John J. Rose and Emily Nolen any relation to each other? A Yes sir they got married.

Q Where did they get married? A In Kansas somewhere, I can't tell exactly the place.

Q Where did you know John J. Rose and Emily as man and wife? A Right there in Lawrence.

Q When did you come back to the Cherokee Nation after you knew them in Lawrence? A As near as I remember it was the year before the Grass or Bread payment.

Q Do you know what year that was, what year the bread payment was made? A No sir.

Q Where was John and Emily living when you came back from Lawrence?

A I left them up there.

Q Up where? A Lawrence Kansas and never seen them any more until they came here.

Q Did they have some children? A Yes sir.

Q Do you know the names of any of them? A A little boy named Charlie and a girl named Lizzie is all they had then.

(By Smith)

Q Are you a freedman? A Yes sir that is what I have been claiming.

Q Are you on any of the rolls of the Cherokee Nation? A Yes sir.

Q What rolls? A My case was taken up at Chelsea.

Q I ask what rolls you are on? A Clifton and Wallace rolls I guess they call it.

Q Who did you belong to before the war? A I belonged to a woman, she was a Starr before she married and she married a man named Latty.

Q What was her name before she married? A Jane Starr.

Q What was her father's name? A I don't know.

Q Where did they live? A At the old home up in Flint and in Sequoyah.

Q Near what town? A Not close to any town; lived out in the country; the closest town was Evansville.

Q Were you living there when the war commenced? A Yes sir.

Q Where did Emily's mother live? A With Mrs. Dannenburg.

Q How far from where you lived? A In the same district but it was further off, north from me, I can't tell the distance exactly.

Q Was it 30 miles? A No sir, I don't think it was quite that far.

Q You didn't know Emily herself before the war? A Yes sir I knowed her.

Q I thought you said you knew her mother--what was her mother's name?

Matilda Dannenburg.

Q Did you, or did you not know Emily before the war? A I think Emily

was born before the war, if she was she was a small child; I know
 I saw her in her mother's arms.
 Q Was that before the war? A Yes sir.
 Q Sure of that? A Yes sir.
 Q Where did you ever see her in her mother's arms before the war?
 A With her mother at the Dannenburg place.
 Q How many times were you at the Dannenburg place? A I was hired
 out to his brother, Nathan.
 Q How far did the two Bannenburg brothers live apart? A I cant say
 exactly how far.
 Q Cant you give some idea as to how far? A I dont know exactly.
 Q Did they live 450 miles apart? A Nathan lived in town and one
 lived in the country.
 Q Was it 400 miles apart? A No sir, it wasn't, I dont suppose it was
 over five miles, it wasn't five miles, it was between 3 and 4 miles
 I guess.
 Q When the war come up where did you go? A When the war come up for
 a little while—when the war was raging so I was with my owners at
 Parkhill a while and then came back to the old home place.
 Q When did you go up to Kansas? A About the time of the close of
 the war, just about the time that Quantrell's raid was in Lawrence.
 Q What place in Kansas did you go to? A Lawrence.
 Q Where was this Matilda then, didn't you say you saw Matilda there?
 A When I first went up in Lawrence?
 Q Yes sir? A I didn't see her when I first went up there, we lived
 on one side of the river and they lived on the other, but I shortly
 afterwards saw her, I didn't see her for the first day or two after
 I got there.
 Q You said a while ago that you saw Emily in her mother's arms you
 though before the war, how long before the war was it? A I cant say
 I dont know, I dont recollect that far back, I have told it as straight
 as I know.
 Q You claim to have known this woman ever since she was a little
 baby, now when was she a little baby? A I cant say.
 Q How big was she when the war come up? A Quite a little girl.
 Q How many years old? A I dont know, never paid any attention, just
 seen them and knowed that, I dont know anything about the ages.
 Q Was she three years old? A She might have been and might have been
 more.
 Q Well, about how old? A I dont know.
 Q You saw her and would know the difference between a girl three
 years old and one ten years old wouldn't you? A Yes sir I might.
 Q You are in doubt about that are you? A Yes sir.
 Q How old was Emily when you saw her at Lawrence? A Little child
 Q How long did you live in Lawrence? A I dont know how many years,
 I staid there a good while.
 Q You dont know if it was one year or two years or 22 years? A I
 know it wasn't 22.
 Q Was it over two? A Yes sir I guess it was.
 Q How much over? A I dont know.
 Q Was you living there as much as five years? A I dont know if I
 did or not, I know I was there that is all I do know.
 Q Cant you give some idea—was you there as much as five years? A I
 dont know if I was there five years or over five years or under
 five years, I dont just exactly know the years or dates, I know I
 was there quite a while, I know I was there two or three years any-
 way.
 Q You can be safe in saying that it was over two years, two or three
 years. A Yes sir.
 Q You wouldn't swear positively that you were there as much as five
 years though? A No sir.
 Q You will swear positively that you were there as much as two or
 three years? A Yes sir for I know I was there that much.

To be filed with _____

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., October 29th, 1901.

SUPPLEMENTAL TESTIMONY in the matter of the application of Joe
Ross C.F.D. 350.

Appearances:

W.W.Hastings, for the Cherokee Nation.
Mellette & Smith for the applicants.

BY MR. HASTINGS: The Representatives of the Cherokee Nation ask that the testimony of Sam Webber, re-called, in the case of Jefferson Ross, and others, Freedmen D 972, be made a part of the record in this case.

COMMISSION - - - It is further ordered that a set of all the testimony given by Sam Webber in Cherokee Freedmen Doubtful case 872, the same being the case of Jefferson Ross be filed in the case Cherokee Freedmen D 350, of Joe Ross, and in Cherokee Freedmen D 496, of Orlora Grayson and in Cherokee Freedmen D 216, of Aaron Webber.

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Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I.T., June 26, 1901.

In the matter of the application of Jefferson Ross for the enrollment of himself and four children as Cherokee Freedmen.

Appearances:

Mellette & Smith, attorneys for applicants;
W.W.Hastings, counsel for Cherokee Nation.

Sam Webber, being duly sworn by Commissioner Needles, testified as follows:

Mr. Smith: What is your name? A Sam Webber.

Q How old are you? A About 58.

Q Where do you live? A I live about two miles west of here.

Q How long have you lived in the Cherokee Nation? A I was born and raised here, and after the war came back.

Q Do you know this applicant, Jefferson Ross? A Yes, sir.

Q Were you acquainted with him before the war? A No, sir, I wasn't acquainted with him before the war.

Q When did you first know him? A I got acquainted with him just after the war.

Q Where? A Here in the Nation.

Q About what part of the Nation? A He came to my house thereon Big Creek in the Nation.

Q What time? A Along in the spring of '67.

Q Do you know of your own knowledge when he first came back to the Territory after the war? A No, sir, I don't know of my own knowledge.

Q Do you know where he was living at the time he came to your house?

A He had been working on Snow Creek he claimed and he was on his way hunting his sister.

Q Did you ever see him after you saw him that time? A I put him on the trail down to his sister's and I never saw him for quite a little bit from that; when I saw him he was there on Lightening Creek.

Q Did you see him then after that at his sister's? A I saw him then often and on for near about two years I guess.

Q Where? A There at Lightening Creek.

Q In the Cherokee Nation? A Yes, sir.
 Q Was he married or a single man at that time? A He was a single man to my knowledge.
 Q Do you know where he is living now? A No, sir, I don't.
 Mr. Hastings: You saw him around here for about two years?
 A Yes, sir.
 Q Then how long was it till you saw him again, Sam? A I remember after that of seeing him on Big Creek again.
 How long after that? A Must have been six months or a year after that I met him again there.
 You know where he was married? A No, sir, I can't tell you.
 Was he married at that time? A If he was I didn't know it.
 Did you know his wife? A No, sir, I don't know his wife.
 Did you ever see his wife? A Not to know it was her.
 Has this man ever kept house to your knowing? A When I saw him he was to his sister's.
 What was her name? A Katie Thornton.
 You never saw him in a separate, independent house, keeping house with his family? A No, sir, never did.
 What is his occupation? A I can't tell you.
 Did you ever see him making a crop anywhere? A I never saw him farming, I have seen him working for people around there.
 He never made a crop to your knowledge? A No, sir, not to my knowledge.
 Has he got any special occupation like a carpenter? A Not as know of.
 What is Katie Thornton's husband named? A Henry Thornton.
 Was that her husband at that time? A Yes, sir.
 With whom does this man stay now? A I don't know that.
 You never saw him anywhere except around to his sister's? A That is all I have noticed him.
 Q Did he have any children when you saw him? A I never saw them if he did.
 Q You don't know where his family were, if he had any? A No, sir.

Sam Webber, re-called, testified as follows:
 Mr. Hastings: Mr. Webber, when were you first married? A When I first married, I married just a short while after the war, I don't remember what year.
 Before you came down here? A After I came down here.
 Well, about how many years after you came down here? A It wasn't year I guess after I came here.
 Well, you know what time of the year you were married? A I was married along in the winter.
 Was that the same winter you came, or the winter of '67? A It was along about, it thowed in '67, it was after Christmas.
 You mean in January of '67 or the last part of '67? A It was long after Christmas, I don't remember the date.
 What was your wife named? A My wife at that time was Finda Martin.
 When did you commence keeping house? A I went in my house when first came there.
 You and your wife keeping house separate and apart? A I was keeping house when I was single, I built me a little house, and was living in there.
 What time in the year did you and your wife move into that house? A We moved right in the house after we were married.
 And you don't remember when that was, what time of the year? A Along after Christmas, I was already in the house.

M. D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he made the forgoing copy and that the same is a true and complete copy of the original transcript.

(signed) M. D. Green.

Subscribed and sworn to before me this November 16, 1901.

(Signed) J. C. Starr,
Notary Public.

(SEAL)

I, A. R. Cheever, being duly sworn, state that as stenographer to the Commission to the Five Civilized Tribes, I made the forgoing copy and that the same is a true and complete copy of a certified copy of the original transcript.

A. R. Cheever

Sworn to and subscribed before me this 11th day of August, 1902.

B. C. Jones
Notary Public.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., February 24, 1902.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of
SAMUEL BECK as a Cherokee Freedman; introduced on part of the
Cherokee Nation:

Appearances:

L. T. Brown, Vinita, I. T., Agent for Applicant;
J. S. Davenport, Cherokee representative.

L. B. BELL, being duly sworn, testified as follows on
part of the Cherokee Nation:

MR. DAVENPORT:

- Q What is your name? A L. B. Bell.
- Q Where do you live, Mr. Bell? A Vinita, Indian Territory.
- Q How long have you lived in and near Vinita? A Oh, since '67,
including most of '67.
- Q Was there any railroad running in or through Vinita when you
first moved into that community? A So, sir.
- Q When did the railroad first come through that country, Mr. Bell?
- A In 1871.
- Q You know this applicant, Sam Beck? A No, I don't know him.
- Q Don't know anything about him? A No, sir.
- Q Was you living in that country before the railroad started from
Kansas through the Indian Territory; that is, the M. K. & T.?
- A Well, I will tell you what I know about the railroad; The rail-
road come through the country in 1870, and on the application of
the Cherokee Nation, a complaint to the Secretary of the Interior,
they stopped building and during the session after 1870 of the
National Council of the Cherokee Nation, they passed an Act there,
it is dated the 14th of December, 1870, authorizing the furnishing
of cross-ties to the railroad, and agreeing that the railroad could
go through. The secretary hadn't determined which had the right-of-
way. They had begun it in 1870 and the M. K. & T. got the right-of-
way, and then they authorized the selling of cross-ties, and I went
to Chetopa and made a contract with the Company for cross-ties
enough to build from the Kansas line to Pryor Creek and sublet it.
Mr. Martin was one I sublet to, that was in 1870 that contract
was made, I don't recollect the exact date. Well, just a few days
following that we began getting cross-ties and then worked on down
to the Creek Nation. That was the first railroad built in the
country and the first cross-ties was cut on the railroad in this
country.
- Q You don't know anything about the wife of Beck or anything about
them? A No, I don't.

C. D. MARKHAM, being duly sworn, testified as follows on
part of the Cherokee Nation:

MR DAVENPORT:

- Q What is your name? A C. D. Markham.
- Q Where do you live? A At Tahlequah.
- Q How long have you lived in the Cherokee Nation?
- A I was born and raised here: never was out except during the war.

Q Where did you live before moving to Tahlequah? A Lived on Grand river east of Chassee about ten miles.

Q Do you know Samuel Beck, the applicant in this case, or his family? A No, sir.

Q Where were you living along the latter part of the sixties or early part of the seventies? A On the Grand river.

Q Do you know about the year the M. K. & T. railroad built from Chassee, Kansas, down through the Territory? A It must have been the latter part of '71 or '72.

Q Had you any connection with it any way that makes you remember it? A Yes, sir; I had a contract on the road, beginning at Bryant's lake, down this way.

Q And that was in what year it built down there? A The ties was put in there in the spring, latter part; it was in the spring of '71.

BY ATTORNEY BROWN:

Q You don't know the applicant, Mr. Beckman? A No, sir, I don't.

Q You don't know to whom he belonged before the war or when he returned to the Cherokee Nation? A No, sir.

Commissioner: This testimony will also be filed in and made a part of the record in Cherokee Freedman case No. D.391.

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J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(signed) J. O. Rosson.

Subscribed and sworn to before me this February 27, 1902.

(signed) T. B. Needles,
Commissioner.

I, A. P. Cheever, being duly sworn, state that as stenographer to the Commission to the Five Civilized Tribes, I correctly copied the original of this case, and that the foregoing is a correct copy thereof.

A. P. Cheever

Sworn to and subscribed before me this 7th day of August, 1902.

P. C. Jones
Notary Public.

"R"

File with Cherokee Freedman D- 515, Pearl Smith.

Department of the Interior
Commission to the Five Civilized Tribes,
Muskogee, I. T., February 26, 1902.

SUPPLEMENTAL TESTIMONY ON BEHALF OF CHEROKEE NATION in the
matter of the application of EMILY MOLEN for enrollment as a Freed-
man of the Cherokee Nation, D-511.

Appearances:

Mr. Mellette, of Mellette & Smith, Vinita, I. T., at-
torneys for the applicants;
Mr. J.S. Davenport, of attorneys for the Cherokee Nation.

MARTHA PACK, being sworn and examined, testified as
follows:

BY MR. DAVENPORT:

- Q What is your name? A Martha Pack.
- Q Where do you live? A Tahlequah.
- Q How long have you lived in Tahlequah? A About 15 years.
- Q Where did you live before you went to Tahlequah? A I lived
in Saline District.
- Q Do you know a colored woman by the name of Emily Molen now, that
is, who goes by that name at present? A I know her, but I don't
know her by that name.
- Q What name do you know her by? A I know her by Emily Rose.
- Q Where did you first get acquainted with her? A I got acquainted
with her in Coffeyville, Kansas.
- Q How long ago was it that you got acquainted with her in Coffeyville
Kansas? A Well it has been about 25 years, if not longer.
- Q Where was she living at that time, if you know? A She was living
in Coffeyville, Kansas.
- Q Did you have any conversation with her at that time, become quite
well acquainted with her? A Yes sir, well acquainted with her.
- Q Did she tell you anything about where she had lived prior to
moving to Coffeyville? A No, but they came from upper Kansas there.
- Q Came from somewhere else in Kansas? A Yes, up above.
- Q You know where she is living now, or about what locality?
A I think she lives on Big Creek or somewhere up in there.
- Q In the Cherokee Nation? A Yes sir.
- Q Have you seen her since you saw her when she was living in
Coffeyville, Kansas? A Oh yes sir, lots of times.
- Q How long did she live in Coffeyville, Kansas, to your knowledge
after you got acquainted with her, or about how long? A Well about
two years I guess, I think.
- Q You had never known her before the war had you? A No, never
known her.
- Q She claims to have been a Dannenberg, I believe, you never knew
her until after she was living with John Rose? A She was living
with John Rose.
- Q Was John Rose living with her after you got acquainted with her
in Kansas? A Yes sir. They were all living together, her mother,
Charley's Smith's wife.
- Q What was her mother's name? A Tildy Lacey.
- Q What was her sister's name? A Jane Smith.
- Q You know where Jane Smith is living now? A She lives on Hickory
Creek.
- Q That is in the Cherokee Nation? A Yes sir.
- BY MR. MELLETTE:
- Q What you say your name is? A Martha Pack.
- Q How close is Coffeyville, Kansas to the line of the Cherokee
Nation? A Why I don't know exactly how close the line is, it was
15 miles at the time where I lived to Coffeyville.
- Q Where did she live? A She lived in Coffeyville then.

"R"

File with Cherokee Freedman D- 515, Pearl Smith.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., February 26, 1902.

SUPPLEMENTAL TESTIMONY ON BEHALF OF CHEROKEE NATION in the
matter of the application of EMILY NOLEN for enrollment as a Freed-
man of the Cherokee Nation, D-511.

Appearances:

Mr. Hellette, of Hellette & Smith, Vinita, I. T., at-
torneys for the applicants;
Mr. J.S. Davenport, of attorneys for the Cherokee Nation.

MARTHA PACK, being sworn and examined, testified as
follows:

BY MR. DAVENPORT:

- Q What is your name? A Martha Pack.
Q Where do you live? A Tahlequah.
Q How long have you lived in Tahlequah? A About 15 years.
Q Where did you live before you went to Tahlequah? A I lived
in Saline District.
Q Do you know a colored woman by the name of Emily Nolen now, that
is, who goes by that name at present? A I know her, but I don't
know her by that name.
Q What name do you know her by? A I know her by Emily Rose.
Q Where did you first get acquainted with her? A I got acquainted
with her in Coffeyville, Kansas.
Q How long ago was it that you got acquainted with her in Coffeyville
Kansas? A Well it has been about 25 years, if not longer.
Q Where was she living at that time, if you know? A She was living
in Coffeyville, Kansas.
Q Did you have any conversation with her at that time, become quite
well acquainted with her? A Yes sir, well acquainted with her.
Q Did she tell you anything about where she had lived prior to
moving to Coffeyville? A No, but they came from upper Kansas there.
Q Came from somewhere else in Kansas? A Yes, up above.
Q You know where she is living now, or about what locality?
A I think she lives on Big Creek or somewhere up in there.
Q In the Cherokee Nation? A Yes sir.
Q Have you seen her since you saw her when she was living in
Coffeyville, Kansas? A Oh yes sir, lots of times.
Q How long did she live in Coffeyville, Kansas, to your knowledge
after you got acquainted with her, or about how long? A Well about
two years I guess, I think.
Q You had never known her before the war had you? A No, never
known her.
Q She claims to have been a Dannenberg, I believe, you never knew
her until after she was living with John Rose? A She was living
with John Rose.
Q Was John Rose living with her after you got acquainted with her
in Kansas? A Yes sir. They were all living together, her mother,
Charley's Smith's wife.
Q What was her mother's name? A Tildy Lacey.
Q What was her sister's name? A Jane Smith.
Q You know where Jane Smith is living now? A She lives on Hickory
Creek.
Q That is in the Cherokee Nation? A Yes sir.
BY MR. HELLETTE:
Q What you say your name is? A Martha Pack.
Q How close is Coffeyville, Kansas to the line of the Cherokee
Nation? A Why I don't know exactly how close the line is, it was
15 miles at the time where I lived to Coffeyville.
Q Where did she live? A She lived in Coffeyville then.

Q How do you know she did? A I worked there in Coffeyville, and ~~and it was~~ was well acquainted with her.

Q How long did you work there? A Oh I worked there a year or two.

Q Which was it? A About a year I guess.

Q She there all the time while you were there? A Yes sir.

Q Where did they live? A They lived right in town.

Q Were they ever in the Cherokee Nation any? A No sir.

Q I say they never was over in the Cherokee Nation? A No, only when they went to church.

Q How do you know? A Because I lived near them, I lived right there near, I didn't live with them, I was working right there, and was there every day.

Q How close did you live? A About a hundred yards.

Q You watched them all that year did you? A No, I didn't watch them, I was well acquainted with them.

Q When were you first asked about this matter as to what you remembered about it? A Why I know about them?

Q Yes. A Last summer.

Q Then you remembered back 25 years? A Oh yes sir.

Q And remember everything that the Nolens did 25 years ago? A No, I just know where they lived at, and was well acquainted with them.

Q You know they lived right there in Coffeyville? A Yes sir.

Q But you didn't watch them to know exactly where they went at different times? A Oh I know where they lived because I passed them.

Q Don't you know they were away from there months at a time? A No sir, they was not away from there while I was there; they might have went away after that. I know the time they come in the Cherokee Nation and made a crop.

Q When was that? A I don't remember the year exactly, but it was the year that the grass-hoppers were just thick in the farms, that was the year that Joe Rose and Charley Smith came to the Cherokee Nation and made a crop.

Q What year was that? A I don't remember, I couldn't tell you that.

Q Hadn't they been farming down in the Cherokee Nation all the while? A No, that is the first year they went.

Q Where did her come from to Coffeyville? A They come from in above in Kansas.

Q How do you know? A They said they come from above there, I didn't know it.

Q How old are you? A I am about 43 or '4, along there.

Q Then how many years ago was it you saw these people in Coffeyville? A It has been about 25.

Q What makes you think it is 25 years? A Because my oldest child is 25 years old.

Q When was that child born? A I couldn't tell you what year that was, but she is 25.

Q Was she born while the Roses were living there in Coffeyville? A Yes sir.

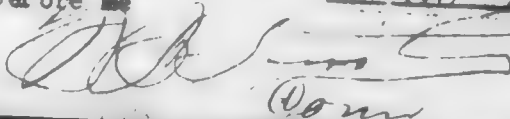
Q How do you know that? A I know that.

Q You had a little baby to take care of didn't you? A ; No I come away from there, they had been living there quite a while.

BY COMMISSION: This testimony will be filed and made a part of the record in the following Cherokee Freedmen cases: D-477, D 514, D 515, D 516, D 517, D 518, D 520, D 521, and D 804.

M.D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me
this February 28, 1902.


M.D. Green

To be filed with C. F. D-515.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., April 11, 1902.

In the matter of the application of Charles C. Smith et al
for enrollment as Cherokee Freedmen.

SUPPLEMENTAL TO D-514.

Applicants represented by Mellette & Smith, Vinita, I.T.
Cherokee Nation represented by W. W. Hastings and J. S.
Davenport.

The Cherokee Nation by its representatives makes satisfactory proof of service on the applicants' attorneys, Mellette & Smith, that it would on the 11th day of April, 1902, at the offices of the Commission at Muskogee, Indian Territory, introduce testimony tending to disprove the right of the said Charles C. Smith et al to enrollment as Cherokee Freedmen.

The applicants and their attorneys have this day, to wit the 11th day of April, 1902, been called and fail to respond either in person or by attorney.

HATTIE DRAKE, being first duly sworn, testified as follows:

MR. HASTINGS: What is your name? A Hattie Drake.

Q What is your age, Mrs. Drake? A 48 my next birthday.

Q Where do you live? A Lawrence, Kansas, Douglas County.

Q How long have you been living in Lawrence, Kansas? A Well, I was brought there when I was quite a little girl, and I lived there until after I was married, and then I went away and lived ten years, and then moved back to Lawrence and been there ever since, and that's been about seventeen years.

Q Well, where were you living when the war closed? A I was living in Lawrence, not in the city, in the country just a little piece from town.

Q Well, did you move into town after that, after the close of the war, immediately after the close of it? A No, sir.

Q You were living right in the edge of the town? A Yes, sir, you might say: I went to school in town.

Q Did you know a colored woman by the name of Matilda Dannenberg? A I knowed a colored woman by the name of—knowed of her—by the name of Matilda Colbert.

Q Well, did you know any of her children? A Yes, sir.

Q What were their names? A One was named Jane and one was named Emily.

Q Did they have a brother there by the name of Jim? A Yes, sir, there was a little boy they called him either Jim or James, it seems to me they called him Jimmy.

Q Where did you know these girls? A I went to school with them in North Lawrence.

Q Was that after the war closed? A Yes, sir; I am pretty certain it was, I know where we lived when the war closed, and I went from there to school.

Q It was after this time? A Yes, sir.

Q How long did you go to school with them? A Well I couldn't tell just exactly how long, but I went to school two different times, I won't say terms, because I never did go to school a whole term in my life, at two different times I was at school with Jane and Emily: I won't say that I went to school with the little boy, but I have seen him, know him.

Q And you knew of their mother? A Yes, sir, I knew of their mother.

Q Did you know about where she lived in the town or city? A Well, I don't know as I was ever at her house, but my understanding was that she lived on Walnut Street in North Lawrence.

Q You knew of her living there? A Heard of it, yes, sir, heard of her living there.

Q You went to school two different times with them? A Yes, sir.

Q Do you remember what years they were? A No, sir, I couldn't tell you.

Q Couldn't tell? A No, sir.

Q Do you know what become of these girls? A No, sir, I don't know what become of them, but I heard, I heard that they moved from Lawrence to Topeka, but I never did see them in Topeka.

Q Well do you know whether Emily was married there or not? A I didn't see her married. I heard that she was.

Q Where? A In Lawrence.

Q To whom? A A man by the name of— I heard her husband was named Rose, John, I believe, Rose.

Q You only heard of this like any other circumstance in the town?

A Yes, sir, I didn't see them married and didn't know her husband.

Q Didn't know her husband? A No, sir.

Q Was Jane married when she left there? A If she was I never heard of it.

Q You heard when they left there that they went to Topeka? A Yes, sir, what I heard; Never saw them in Topeka at all.

Q Never saw them? A No, sir.

COMMISSIONER: How old did you say you were? A I am 47 past, I will be 48 years old the first day of June.

Q Where do you live? A I live in Lawrence, Kansas, Douglas County.

Q When did you first begin to know the mother of these children that you are speaking of? A Well, I didn't know the mother so well, I have just heard of her, know of her.

Q When did you begin to know the children? A When I was going to school with them.

Q You don't know when that was? A I couldn't tell you that year, no, sir.

Q About how old were you, have you any idea? A Well, I was about 11 or 12, between 11 and 13 years old I will say; my mother didn't exactly know my age, but that's what she says that she was—

Q Something after the close of the war was it? A Yes, sir.

Q Well, now, how long did these people continue to reside in the same community where you were living? A After I got acquainted with them?

Q Yes. A Well, I couldn't tell you.

Q Were they living there when you came, or did they come afterwards? A I couldn't tell you that.

Q Haven't you any idea how long they continued to live there?

A No, sir, I don't know how long they lived there.

Q Do you know when they came to your neighborhood? A No, sir, I lived kind of in the country, and the cause of my knowing these girls I went to school with them, I met them first, I can remember not them at school.

Q That was after the close of the war was it? A Yes, sir.

Q Do you know where they came from? A No, sir.

Q How long did you continue to know them at that place? A Well I couldn't tell that exactly; I know I went to two different schools with Emily and Jane, and I couldn't tell you just how long, I was quite a little girl myself.

Q Did you ever miss them from that neighborhood during the time that you were there? A Yes, sir.

Q Do you know where they went to? A I don't know where they went to, I heard they went to Topeka.
 Q You don't know then that they did go to Topeka? A No, sir, I never seen them there.
 Q Have you seen them since they left that place? A No, sir.
 Q Have you ever heard of any of them? A Yes, sir.
 Q Where were they living when you heard about them? A I heard that they was living in Topeka.

JOHNATHAN JONES, being first duly sworn, testified as follows:

MR. DAVENPORT: What is your name? A Johnathan Jones.
 Q Where do you live, Mr. Jones? A In Topeka, Kansas.
 Q How long have you lived in Topeka? A Ever since '66, February '66.
 Q You went there after the close of the war? A After the close of the war, I was mustered out—
 Q What part of the city did you locate in when you first went there? A When I first went, just outside of the town, out on the prairie just outside of the town.
 Q Well, after you went to Topeka, Kansas, did you get acquainted with a colored woman by the name of Tildy Bannenberg or Matilda? A Tildy Colbert she was called when I first got acquainted with her.
 Q Well, do you know whether or not this Tildy Colbert as you knew her had any family? A Well, yes, sir, she had three children.
 Q What were their names if you know? A There was Emma and Jane and Jim.
 Q Was either of them married when you first got acquainted with them? A Well, yes, sir, Emma was married.
 Q Do you know what her husband's name was? A John Rose.
 Q Did you ever get acquainted with John Rose while they lived there? A Yes, sir.
 Q Well, was Jane married or not? A Well, she married afterwards, after they went to Topeka.
 Q Do you know to whom she was married? A Oh yes, sir.
 Q What was her husband's name? A Charley Smith.
 Q Now about what year, about how long have you been in Topeka before you got acquainted with Matilda Colbert? A Well, I suppose I had been there about two years before I got acquainted with them, I ain't positive, a year or two anyway, I can't say positively.
 Q How far did you live from them when they first located? A Well, when I first got acquainted with them I lived—they lived on Jefferson and I lived down on—
 Q Jefferson street you mean? A Yes, sir, on Jefferson street, and I lived down on Washington close to Crane.
 Q Well, did they afterwards move? A Yes, sir, they moved and lived about, I suppose from here over to the building across the way. (Pointing across the street.)
 Q What street did they live on then? A Crane street.
 Q How far from you then did they live when they lived on Crane? A Well, about as far as from here over to that building across the street.
 Q About how far would you estimate that? A They was about half their lot.
 Q About half a block? A About half their lot, just the length of 150 feet their lot was you know, and they was a little over half way from me.
 Q Well, now, did this woman Matilda Colbert as you know her, marry any more while you knew her? A Well, I can't tell you whether she

married or not, but it strikes me that she did.

Q Now Mr. Jones, how long after you got acquainted with Matilda Colbert and her children did they continue to live in Topeka or near Topeka? A Well, I suppose they lived there about six years, somewhere about that, after I got acquainted with them. Five or six years, as near as I can recollect.

Q Well, now while the family lived there was you well acquainted with them? A Oh, I was, yes, sir.

Q About how often would you see them when they were living on Crane Street? A Every day.

Q Did they continue to make that their home? A Yes, sir, till they sold out to come down.

Q Do you know whether or not they owned their property there? A Yes, sir, she owned it.

Q Now this Jim you speak of, what name did he go by? A Jim Colbert.

Q And Jane had married Charley Smith of '18? A She was Jane Colbert when they first went there.

Q And Emily had married? A Married John Rose when they first came.

Q Well, now, do you know where they said they came from when they came to Topeka; where did they say they came from? A Lawrence.

Q Lawrence, Kansas? A Yes, sir.

Q Well, now, about what year did they leave or move away from Topeka, Mr. Jones? A I suppose in '73 or '4, I ain't positive just which, but somewhere along there.

Q They came to Topeka about what year? A They came there I suppose, just my idea is as well as I can recollect, in '68 or '9. I couldn't say positively, but '68 or '9.

Q Went away from there about '73 or '4? A Yes, sir.

Q Somewhere long there? A Somewhere there in that neighborhood, right close about that.

COMMISSIONER: You didn't learn to know these people until about two years after you came to Topeka, Kansas? A Well, somewhere about that, I couldn't say positively just exactly what time, but then somewhere in the neighborhood of two years I got acquainted.

Q It was approximately two years after you came to Topeka when you first learned to know them? A Yes, sir.

Q You went to Topeka in '66? A In '66.

Q You don't know where these people were in '66? A I don't.

Q Haven't any idea? A No, sir.

Q Well now how long did they continue to reside there at Topeka, Kansas, about how long? A Well, I suppose they staid there some five or six years.

Q Do you know where they went to then? A Well, yes, sir, they came down to the Territory.

Q To the Cherokee Nation? A Yes, sir.

Q Haven't they resided in Topeka since that time? A No, sir, not that I know of.

MR. DAVENPORT: The Cherokee Nation offers in evidence a certified copy of a marriage license of Joseph Lacy, of Topeka, Kansas, to Matilda Darnenburg, of Topeka, Kansas, dated February 3, A. D. 1869; also marriage license of William Rose, of Topeka, Kansas, to Matilda Lacy, of Topeka, Kansas, dated April 6, 1875; said documents being as follows:

State of Kansas,
County of Shawnee. ss. Office of Probate Judge of said County.

Be it remembered, that on the sixth day of February, A. D. 1869, there was issued from the office of said Probate Judge, a Marriage Li-

canon, of which the following is a true copy:

---:Marriage License:---

Shawnee County, State of Kansas, February 6,
A. D. 1869.

To Any Person Authorized by Law to Perform the Marriage Ceremony

GREETING:

You are hereby authorized to join in Marriage, Joseph Lacy of Topeka, aged 28 years and Matilda Daninburg, of Topeka, aged 30 and of this License you will make due return to my office within thirty days.

(Seal) Lewis Hanback, Probate Judge.

And which said Marriage License was afterwards, to wit: on the 25th day of February, A. D. 1869, returned to said Probate Judge, with the following certificate endorsed thereon, to wit:
State of Kansas, County of Shawnee, SS.--

I, Thos. Wilson, Clergyman do hereby certify, that in accordance with the authorization of the within license, I did on the 7th day of February, A. D. 1869, at Topeka, in said County, join and unite in Marriage the within named Joseph Lacy and Matilda Daninburg.

Witness my hand and seal this day and year above written.

Thos. Wilson.

Attest:

Le is Hanback,
Probate Judge.

State of Kansas, }
County of Shawnee. } Office of Probate Judge of said County.

Be it remembered, That on the fifth day of April, A. D. 1873, there was issued from the office of said Probate Judge, a Marriage License, of which the following is a true copy:

---:Marriage License:---

Topeka, Shawnee County, State of Kansas,
April 5th, A. D. 1873.

To Any Person Authorized by Law to Perform the Marriage Ceremony

Greeting:

You are hereby authorized to join in Marriage, William Rose of Topeka, Kansas, aged 24 years and Matilda Lacey of Topeka, Kansas, aged 33 years and of this License you will make due return to my office within thirty days.

(Seal) D. C. Metsker, Probate Judge.

And which said Marriage License was afterwards, to wit: on the 30th day of April, 1873, returned to said Probate Judge with the following Certificate endorsed thereon, to wit:
State of Kansas, Shawnee County, SS.--

I, Rev. E. S. Corn, do hereby certify that in accordance with the authorization of the within license, I did on the sixth day of April, A. D. 1873, at Topeka, in said County, join and unite in Marriage the within named William Rose and Matilda Lacey.

Witness my hand and seal this day and year above written.

E. S. Corn.

Attest:

D. C. Metsker,
Probate Judge.

I, W. E. FAGAN, Judge and ex officio Clerk of the Probate Court within and for the County of Shawnee and State of Kansas, do hereby certify that the above and foregoing is a full, true and correct copy of the original marriage license issued by the Probate Judge of this

County to Joseph Lacy and Matilda Deniburg, the original marriage license issued by said Judge to William Rose and Matilda Lacy, and of the original returns endorsed on said licenses by the persons performing the marriage ceremony as the same appears on file and of record in my office.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Court, at my office in the City of Topeka, this 5th day of April, 1902.

W. E. Fagan, Probate Judge.

(Seal)

Also a certificate which is as follows:

State of Kansas,)
Shawnee County.) ss.

Topeka, Kansas, April 8, 1902.

I, F. L. Stephens, Reg. of Deeds of above named county and state, do hereby certify that the records of this office show that one Matilda Lacy acquired title to lot No. 252 on Crane Street in Crane's Add. to Topeka, Kansas, from P. L. Crane, on the 2d day of June, 1871, and further show that she disposed of lot No. 252 on Crane Street in Crane's Add. to Topeka, Kansas, to one Lutitia Freeman on the 18th day of June, 1874.

Witness my hand and seal of office this 8th day of April, A. D. 1902.

(Seal and stamp)

F. L. Stephens,
Reg. of Deeds Shawnee County, State of Kansas.

The representatives of the Cherokee Nation offer in evidence a certified copy of marriage license of John J. Rose, of Douglas County, Kansas, to Emma Pollard, Douglas County, Kansas, dated June 28, 1867.

COMMISSION: This testimony will be filed with and made a part of the record in the following Cherokee Freedmen cases: D-474, D-511, D-520, D-518, D-521, D-504, D-477, D-516, D-517, D-515, D-522, D-523, and in the case at bar, D-514.

Arthur G. Croninger, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the testimony and proceedings in the above case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Arthur G. Croninger

Subscribed and sworn to before me this 14th day of April, 1902.

Notary Public

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., April 22, 1902.

In the matter of the application of Anna Malone et al for enrollment as Cherokee Freedmen, F. D. 175.

Applicants represented by A. B. McKee, Muskogee, I.T.
Cherokee Nation represented by James S. Davenport.

COMMISSION: The representative of the Cherokee Nation makes satisfactory proof of service that testimony would be introduced in behalf of the Cherokee Nation on the 22nd day of April, 1902, at the office of the Commission at Muskogee, Indian Territory.

ELIZABETH DRUM, being first duly sworn, testified as follows:

MR. DAVENPORT: What is your name? A Elizabeth Drum.

Q Where do you live, Mrs. Drum? A I live near Illinois Station.

Q Cherokee Nation? A In Illinois District, yes, sir.

Q How old are you? A I couldn't tell you just exactly my age, I don't know; I'm over 70 though.

Q Was you born and raised in the Cherokee Nation? A Yes, sir.

Q Near what place were you raised? A I was born back in the old country.

Q Did you know Osie Brown during his lifetime who was a Cherokee man? A Yes, sir, I know Osie Brown.

Q Do you know whether or not he was living when the Civil War broke out? A He wasn't living, he was dead.

Q Where had he been making his home prior to his death, Mrs. Drum?

A Well, he made his home in Canadian and in the Choctaw Nation.

Q Choctaw Nation? A Yes, sir.

Q Did you know his son Richard Brown? A Yes, sir.

Q Was he living or was he dead at the breaking out of the war?

A He was killed.

Q Where was he at the time he was killed, if you know? A He was in the Choctaw Nation somewhere.

Q Did he have a home down there at that time? A Yes, sir, I think so; he married over there.

Q Had married a Choctaw? A Yes, sir, married a Choctaw.

MR. MCKEE: I understood you to say, Mrs. Drum, that Mr. Richard Brown was a native Cherokee Indian, wasn't he? A He was Cherokee, yes, sir, he was Cherokee.

Q And he was only an adopted citizen if he was a citizen at all of the Choctaw Nation, he was adopted? A I don't know; he was married over there.

Q Well, do you know— A I don't know but what he was part Choctaw himself, I don't know about that; he was Osie's son, I know that; but I don't know his mother.

Q Well now what was Mr. Osie Brown's nationality, what was his blood? A Cherokee.

Q Then his son Richard would be Cherokee also would he not? A Yes, sir.

Q Did Mr. Richard Brown ever live in the Cherokee Nation, Mrs. Drum?

A I don't know; I don't know; I don't believe his son ever did, I don't remember; I guess he did when he was a child.

Q Did you know any of the slaves belonging to the estate of Osie Brown? A No, sir.

Q Wasn't acquainted with any of the slaves? A No, sir.

Q Did you know the mother of Richard Brown? A No, sir, I didn't know her.

Q Did Ocile Brown or his son ever live in the Cherokee Nation, Indian Territory? A Yes, sir, a long time ago.

Q When did he die? A Ocile Brown?

Q Yes. A Well, along about four or five years before the war.

Q I say where did he die? A Over the line I think in the Choctaw Nation somewhere.

Q Now I understood you to say a while ago that he lived, Richard Brown lived part of the time in the Cherokee Nation and part of the time in the Choctaw Nation? A I said maybe when he was a child he might have been in the Nation here.

Q That is Richard Brown? A Yes, sir, Ocile's son. I know he lived in the Choctaw Nation all his life pretty near ever since he got grown man.

Q Did he have any slaves, Richard? A I don't know, I guess they did, a few, two or three.

LEWIS T. BROWN: Did Ocile Brown own any slaves? A Well, I said I guess he did.

Q You don't know any of their names, do you? A No, sir. I don't remember the darkies' names, I know Mr. Brown's son.

Q Was Ocile Brown's wife a citizen of the Choctaw Nation at the beginning of the war? A Ocile Brown's?

Q Yes. A She was a Cherokee lady.

Q Was Ocile Brown's citizenship Choctaw? A Well, I don't know; he lived over there.

Q Well, Richard Brown's wife was a Choctaw, wasn't she? A Yes, sir.

MR. McREA: Well you just stated that Ocile Brown's wife was a Cherokee, the mother of Richard Brown, she was a Cherokee? A She wasn't his mother.

Q She wasn't the mother of Richard Brown? A No, sir, Betsey just had one child, a boy, and he's dead now I guess.

Q Well, did you know the mother of Richard Brown? A I told you I didn't know her.

COMMISSION: This testimony will be filed with and made a part of the record in the following Cherokee Freedmen cases: D-511, D-518, D-520, D-521, D-504, D-547, D-514, D-515, D-517, D-513, D-519, and D-475, being the case at bar.

Arthur G. Croninger, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the testimony and proceedings in the above case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Arthur G. Croninger

Subscribed and sworn to before me this 20th day of April, 1908.

J. H. Kirtin

Notary Public.

To be filed with F. D. 515.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., May, 13, 1902.

In the matter of the application of Elizabeth Meigs for the enrollment of herself as a Cherokee Freedman.

Cherokee Nation appears by W. W. Hastings.
Applicant appears by L. T. Brown.

MRS. LYDIA BARTON, being first duly sworn testified as follows:

- MR. HASTINGS: What is your name? A Mrs. Lydia Barton.
Q What is your postoffice? A Fort Scott, Kansas.
Q Do you hold any official position at the present time? A Yes, sir.
Q What is it? A County Clerk.
Q Of the county in which Fort Scott is located? A Yes, sir.
Q Have you an official paper? A Yes, sir.
Q What is it? A Our official paper at the present time is the Republican, but that changes you know from time to time.
Q Do you know what your official paper was in December, 1860, and up to and including March of 1867? A Yes, sir.
Q What was it? A The Fort Scott Monitor.
Q Are you required to keep files of this paper in your office? A We are.
Q Have you a file of the official paper including December, 23, 1866? up to and including March of 1867? A Yes, sir. (Here presents files.)
MR. HASTINGS: The Cherokee Nation offers in evidence the account found in the Fort Scott Monitor of date Wednesday, December, 26, 1866, found on the second column of the editorial page, headed "Another Murder."
MR. BROWN: Comes now the agent for the applicant and objects to the introduction of these newspaper accounts for the reason that they are incompetent, irrelevant and immaterial, and purely hearsay.
COMMISSION: The objection will be noted and the newspaper accounts introduced in evidence and considered for what they are worth.

"Another Murder."
Shooting of D. Hayford.

Testimony given before the coroner.

On Saturday night, the 32nd. inst., after dark, Mr. Dyer Hayford, of this city was found murdered. A colored man, named Eli Mackey, has been arrested, and is in jail, charged with the crime. There would not seem to be much, if any, doubt of his guilt. Mr. Hayford, has been a resident of Fort Scott for several years, has kept a grocery and provision store on the corner of Williams and Bigler Streets, and was a very quiet and inoffensive man. The facts of his murder as we learn them, are these.

On Saturday, about dark, the sack of flour which Mr. Hayford had placed on a box, outside the door of his store, was stolen. Being missed almost immediately, and learning that Mackey had taken it, and was then on his way home with it, (Mackey resides near Fort Scott mills,) Mr. Hayford jumped on a horse and started towards the mill. He had not been gone more than twenty or thirty minutes before several shots were fired, on the road between the city and the mills, where Mr. Hayford was found on the ground, in the last agonies of death. He had received four shots from a weapon, evidently a revolver.

Suspicion was at once directed to Mackey and he was arrested. As the news spread through the city, the excitement and the indignation was great, and many threats of lynching Mackey were made; but wiser and better counsels prevailed, and there was no disturbance.

On Sunday, Justice Maygrave was called on to hold a coroner's inquest. A jury was empanelled, consisting of Messrs. C. F. Drake, Joseph Ray, Frank Clough, Porter Williams, Jos. Warden, and W. L. Phillips. The body of Mr. Hayford having removed to his late residence, the jury proceeded to inquire into the cause of his death. We give the principal part of the testimony given before the jury.

Drs. J. S. Redfield and B. F. Herler made a post-mortem examination, and testified that they found four pistol or ball-shot wounds on the body and face of Dyer Hayford, then lying dead before them. One shot entered the region of the stomach which came out over the liver, in the side of the back. This wound bears evidence that the pistol was held close to the body when discharged. The other wounds found on the body were about two inches above the left nipple and about an inch and a half apart - one ball passing through, coming out below the left shoulder, the other ranging downward, and was found close to the spinal column, a few inches below the lower ribs on the left side of the body. The fourth ball entered the upper part of the chin, not fracturing the bone, and lodged in the right shoulder, (evidently fired, we think, after he was on the ground.) The surgeons testified that any of the three wounds found on his body would have been mortal.

Alonso Cullin, (colored) sworn - Was at Hayford's Saturday evening, just after six o'clock, came on horseback, left my horse at the door, went in and found Hayford alone and coming toward the door; Eli Mackey, colored, was standing on the walk when I went into Hayford's; a sack of flour was standing on the box at the door when I went in; Hayford came out and the flour was gone; he asked me who was there when I came in, and I told him; asked me to get on my horse and follow Mackey and see if he had the flour; did so; rode very fast and overtook Mackey at the mill. going toward the mill; he had stopped and the sack of flour was on the ground beside him; his coat was off and thrown over the flour but the end of the sack was in sight; I rode close to him; he put his hands up to his sides and was blowing right and left; I inquired if he had seen a steer with a rope on his neck; he said no; I rode back toward Hayford's and told him Mackey had the flour and where it was; Hayford said he would go and get the flour, and asked me for my pony; he got on and rode down the road; he had been gone a good while before I heard the firing; he had been gone long enough to ride to the mill and back to the place where he was shot, before I heard the firing. When I saw Mackey at Hayford's he had on a soldier's coat; it was off when I found him with the flour. Didn't notice that at any time whether Mackey had any arms or weapons with him; saw him again after he was arrested, a short time after Hayford was killed; he then had a different coat. He asked what he was arrested for; he was told, for stealing flour; he asked who had seen him with the flour; he was then told he had shot Hayford, and he said he had nothing to shoot with. I know that he generally carried a revolver; when I saw him with the flour I didn't notice whether he had one or not. When Hayford started from the store, he said he would go and get Mr. Myers to go with him to get the flour; from the place where I saw Mackey with the flour to that where Hayford was shot, is about one hundred yards. I heard three shots distinctly.

Harry Lender, (colored) sworn - Saturday evening heard several shots fired. Was at home, lived near the mill close by Eli Mackey. About twenty minutes after the shots were fired Mackey came to my door; asked me if his wife was there; told him no. He seemed to be in a hurry. He had on a black soldier's coat; the shooting sounded as if it was south from my house, and about the place where Hayford was found; someone rode down to Mackey's and returned about fifteen minutes, before the shots were fired. Saw the coat which Mackey wore when he came to my house, at his house afterward. - Do not know whether he had any revolver then or not, he usually carries one, have seen him have one several times. I did not notice any flour on his coat. It was a navy revolver which Mackey usually carried. He also owns a gun; didn't see that at his house that night. When Mackey left my house he went to his house, and soon afterward heard him going back to town whistling. Mr. Jones found the sack of flour at the edge of the creek; looked as if thrown down the bank. Was found about twenty yards from Mackey's house. Saw Mackey have a revolver on Friday the day before Hayford was killed.

E. C. H. Myers, sworn - I live about 100 yards west of Eli Mackey's. Saturday night was at home sick abed; a man came to my house and inquired for me; I heard him and knew by his voice that it was Mr. Hayford; have known him several years. He left and my wife said he rode in a northerly direction, that is the way from my house to Mackey's. About five minutes after he left I heard four distinct shots. From the sound thought they were about 150 yards off and southwest from my house. After the firing heard someone walking past, whistling; he was going towards town.

Stephen Looney, (col.) sworn - After dark Saturday night I saw Eli Mackey at Smith's saloon. He asked me to play cards with him that night. He went out and I told him not to stay long. I waited a good bit and Mackey didn't come back and I went out and called him; he didn't answer; I then went over to Hayford's and learned that a sack of flour had been stolen. Didn't notice whether Hayford was there or not. Alonso Cullin told me he saw Mackey on the road towards home, and that Mackey heard me call, but wouldn't answer. Didn't see Mackey again until Mr. Jones had arrested him, and brought him up to town. When I saw Mackey at Smith's he had on a soldier's frock coat; he had a revolver on him then; it was a big navy revolver. When I saw him after he was arrested, I think he had on a different coat.

Daniel O'Neill, sworn - Saturday night I was at Kirby's and heard a shot fired, and soon after heard a man halloo; run out and another shot was fired before I got out; immediately after heard another shot and saw the flash of a pistol down in the bottom toward the mill. Alex Harris, Vestly Dickey and myself run down the road. We found a man lying on his side; his face was turned downward; he was alive but could not speak. From the sound I know it was a pistol that was fired. Came to town to find Mr. Jones, Deputy Marshal.

The coroner's jury returned to the justice their inquisition, stating that Dyer Hayford came to his death by gun-shot wounds received at the hands of Eli Mackey; they also found that Mackey had feloniously and wilfully fired the revolver at Mr. Hayford with intent to kill him.

Mackey will have his examination soon, before Justice Margrave, and will no doubt be committed for trial at the next April term of the district court. Mackey is said to be a very dangerous man; he was raised in the Cherokee Nation, and is said to be part Cherokee. He is also accused of having assassinated two men in the Nation, before he came to Fort Scott,

and he was once before arrested here, for shooting at a man; but before his trial came off the prosecuting witness left for parts unknown, and Mackey was discharged without trial. Let him be tried for the offence with which he now stands charged, and if guilty he should atone his crime on the gallows.

MR. HASTINGS: I desire to introduce an editorial from the Fort Scott Monitor of date February, 27, 1867, as follows:

Uli Mackey, colored, accused of the murder of Myer Hayford, confined in our jail, to await his trial at the next term of the District Court, for murder in the first degree, escaped last evening, and up to the time of going to press this morning, has not been heard of. A reward of two hundred dollars is offered for his apprehension.

MR. HASTINGS: The Cherokee Nation offers in evidence the following from the Fort Scott Monitor of Wednesday, March 27, 1867:

"A Chapter of Horrors.

Murderer of Hayford Captured and Hung.

Tragic events connected with the affair.

The history of our community for the past week is replete with horrors, such as will, for long days to come, overshadow the hearts of our citizens with gloom.

A few weeks ago, we published an account of the escape of Uli Mackey, the black fiend, who last winter murdered Myer Hayford. Ever since that time the officers of justice have been on the alert with a view of his recapture, and on Wednesday, the 20th inst., Deputy Sheriff Wheaton, having learned that the murderer was concealed in his brother's house, about five miles northeast of this city, started, in company with his son, Charles T. Wheaton, Edward Goe - who were on police duty in this city - and Benj. Files, for the purpose of capturing him.

On arriving at the house, Messrs. Goe and Wheaton, Jr., approached and ordered the wretch to surrender. In return he fired several shots through the partially open door, and then ran out of the house into the open prairie. Goe, being nearest, received the first shots that were fired. He stepped to the corner of the house, sat down and expired in about fifteen minutes. Immediately after Charley Wheaton received a ball in the right side and fell to the ground. For some time he hope was entertained for his recovery; but at the present writing his condition is improved, and his friends entertain some hopes that he will live.

In the mean time a number of the neighbors had gone around and headed by Capt. Curtis Johnson, Mr. Files and Mr. Dickinson started in pursuit. The murderer, with a gun and revolver in his hands, ran fleetly across the prairie, firing at his pursuers as he ran, and dropping down to load as fast as his weapon became empty. Finally, when nearly dead from the wounds he received from his pursuers, he signified his readiness to surrender; but even after they approached him his bloodthirsty spirit was not satisfied, and he fired the two remaining shots in his revolver at the crowd. Fortunately, no one was injured, though Mr. Dickinson had part of his coat shot off. After the murderer was secured he was taken back to the house from which he had fled and hung by the neck until he was dead. Before his death he tried to implicate an innocent negro in the murder of Mr. Hayford, but having been caught in the falsehood, he confessed to having committed the deed himself. He also confessed to having killed five other men, and also to having shot at Major Mafford last winter. - All reports indicate that he has always been a character with scarcely a parallel in the annals of history for desperation.

and bloodthirstiness. - We are informed that at one time, in the Cherokee Nation, 25 men attempted to arrest him but failed on account of his desperation. The colored people, who knew him, were terrible afraid of him. History has seldom presented a character so utterly lost even to every sentiment of humanity.

As a general rule, we have always depreciated the taking of life except by due process of law, as dangerous to the peace and quiet of the community and to the best interests of society. We have always found that nothing but the most extreme necessity would justify it, but we believe in this instance that necessity existed; for every moment this desperado was allowed to live, endangered the lives of good citizens. We learn that the house he occupied was singed to the ground. The sufferers from their attempt to arrest him, were among the best of our young men. As members of the police force of this city they have performed their duties faithfully. Generous and brave to a fault, the death of one and the danger to the other creates a spirit of sadness that cannot soon be eradicated.

The body of Mr. Gee was brought into the city, and on Friday after a funeral sermon by Mr. Irwin was escorted by a large procession, headed by the members of the Grand Army of the Republic, to the cemetery where it was interred.

Sequel.

On Thursday night a crowd of about fifty men, still laboring under the excitement growing out of the tragedy of Wednesday, entered the jail and having possessed themselves of the keys took Jackson Mackey and Harry Vann - on the brother who harbored the murderer and the other charged with furnishing provisions and aiding in his concealment, to the ravine near the poorhouse and hung them to a tree where their lifeless bodies were found next morning. So quietly was this done that few in the city except those who participated knew of it until the next morning."

Benjamin Files, being first duly sworn, testified as follows:

MR. HASTINGS: What's your name? A Benjamin Files.

Q What is your postoffice? A Fort Scott.

Q Kansas? A Kansas, yes, sir.

Q Were you living there at the close of the war? A Yes, sir.

Q Were you living there in '66, December? A I have lived there ever since '62.

Q Did you know Hyer Hayford? A Yes, sir.

Q Had you known him before December '66. A Yes sir, I had known him in the neighborhood of two years before that and knew him up until that time.

Q Was he killed? A He was killed at Fort Scott.

Q Was he killed in the town? A He was killed just at the brink of the hill along in the north; yes, sir he was killed in the city just about the brink of the hill.

Q About what time of the day was he killed? A He was killed just after dark, just dark.

Q Do you know who killed him, who was said to have killed him, who was accused of killing him? A Yes, sir.

Q Who? A Eliza Mackey.

Q Was he a colored man? A Yes sir, he was.

Q Did you assist in his arrest? Yes, sir.

Q Who arrested him? Myself and a man we called Deacon Jones.

- Q That this other man here with you? A Yes, sir.
- Q About how long after this reported killing? A I heard the shots fired, then run down there and run over him; I lit a match and this man drew his breath twice. From the time the shots fired I wouldn't it was more than twenty minutes.
- Q Twenty Minutes? A Yes, sir.
- Q Had it become generally known at the time of the arrest? A No, sir.
- Q There was no time for the public to know? A Only a few people knew; I heard the shots fired myself and run down there.
- Q And a few people knew that the killing had taken place before he was arrested? A Yes, sir.
- Q And the excitement then, was that after that? A Yes, sir, they didn't have time to know it.
- Q Was he put in jail? A Yes, sir.
- Q You remember how long he remained in jail? A Till about the twentieth, sometime in February, 26th I think it was.
- Q Of February following, of '07? A Yes, sir.
- Q Well did he make his escape? A He got away.
- Q He got away? A Yes, sir, he got past the turnkey, Ed Coe.
- Q Ed Coe was the turnkey was he? A Yes, sir.
- Q I will ask you then if there was any searching parties out for this man? Yes, sir.
- Q For how long? I think he was killed on the 20th of March.
- Q From then about the 26th of February until the 20th of March people looked for him, a reward offered for him? Yes, sir, some three hundred dollars I believe.
- Q Well were there quite a number of people out searching for him? A Yes, sir.
- Q Considerable excitement at that time? A Yes, sir.
- Q Did people go out in the country looking for him? A Yes, sir, and searched houses and searched lands, they looked around for him, but failed to find him.
- Q Up until that time? Yes, sir.
- Q You say that was for about three weeks? A Yes, sir, something over three weeks.
- Q From the 26th of February up until about the 20th of March? A Yes, sir.
- Q Do you know whether this Eli Mackey was reputed to be a Cherokee or not? A Yes, sir, he was.
- Q I believe there was a newspaper account to the effect that when he was captured he was hung up there? A He was killed, yes, sir.
- Q What I want to get particularly from you was whether there was any search made for him at the time he was killed or whether search was made for him after his escape, after the 26th of February? A There was no search made for Mackey until he broke jail.
- Q No houses searched, nor no wagons, nor no nothing when he was first captured? A He was in jail. I don't think it was much over a half an hour, I don't think it was any; he was in jail in not much over half an hour after he shot Hayford; I heard the shot that killed Hayford.
- Q And you helped to arrest him? Yes, sir, I got to Hayford before he died, but he was too far gone; I lit a match and he was too far gone to speak.
- Q You had known Hayford prior to that time? A Yes, sir, him and me was friends.
- Q You was a friend of his? A Yes, sir.

H. C. Jones, being first duly sworn, testified as follows:

- MR. HASTINGS: What is your name? A H. C. Jones.
- Q What is your postoffice? A Fort Scott.
- Q Kansas? A Kansas, yes, sir.
- Q What is your age, please sir? A 66.
- Q Were you holding any office in the town of Fort Scott, Kansas, in December of '66? A I was.
- Q Well were you holding any office at the time a man by the name of Hayford was killed by Eli Mackey? A I was.
- Q What office was that? A City Marshal, called town constable.
- Q You was a city policeman? A Yes, sir.
- Q Did you assist in his first arrest? A I did.
- Q Who assisted you in the arrest? A Mr. Benjamin Files.
- Q This man that's present here? A Yes, sir.
- Q Did you hear the shots that killed Hayford? A I did.
- Q How soon after Hayford was killed was Mackey arrested, Eli Mackey? A 20 or 25 minutes, inside of a half hour at most.
- Q Very short time? A Yes, sir.
- Q And any houses or wagons or anything of that kind been searched in the meantime? A No, sir, there was no knowledge.
- Q People didn't generally know it up to that time? A No, sir.
- Q Put in jail then? A He was taken right to the jail as soon as he was arrested, he was hurried off to jail for fear of any mob violence.
- Q Well how long did he remain in jail, do you remember? A Why I think something like six weeks or more.
- Q Well the Fort Scott Monitor puts it about February 26th? A I presume that was right, it was correct. It was hard for me to remember exactly.
- Q Well he remained in jail up to that time? A Up till that time, he was not out of jail except while he was under guard.
- Q He made his escape then? A He made his escape, yes, sir, at the time.
- Q You know how long he was at large? A Well I put it something like three weeks.
- Q I will ask you if there was any searches at that time made for him? A Yes, sir.
- Q When he got away after February 26th? A Oh yes, sir, there was considerable hunt for him at that time.
- Q Reward offered for him? A Yes, sir, reward offered.
- Q People searched around in the country for him? A There was quite a number of both officials and independent searches, they would search for him for the first couple of weeks of his escape from there.
- Q He was afterwards captured was he? A Yes, sir, he was located afterwards, he hadn't been out of a radius of probably ten miles from there after he got away, he was captured.
- Q Do you know whether this Eli Mackey was reputed to be a Cherokee colored man? A He was called a Cherokee refugee, yes, sir, had the reputation, that is his name, of being a Cherokee nigger.
- GOVERNOR: You are positive about those dates? A To the best of my knowledge now, I would have put it, that is, a week before the holidays, and I knew it was only a few days before Christmas when the killing was done.
- Q Yes? A In '66 the killing was done.
- Q Few days before Christmas of '66? A Yes, sir.

MR. HASTINGS: The Cherokee Nation asks that all the testimony introduced in the case of Aaron Webber, D-318, with reference to the return of the Webber detachment, be introduced and made a part of the record in this case.

MR. BROWN: Comes now the agent for the applicant and moves the Commission to strike from the records of this case all the testimony taken on this day, for the reason that it is incompetent, irrelevant, immaterial and not the best evidence, it being purely hearsay.

COMMISSION: The request of the representative of the Cherokee Nation will be complied with, and the testimony filed.

This testimony will be filed with and made a part of the record in the following Cherokee Freeman cases: No. D-394, D-396, D-398, D-401, D-402, D-404, D-407, D-475, and in D-391, the same being the case at bar.

Arthur G. Croninger, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the testimony and proceedings in the above case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) Arthur G. Croninger.

Subscribed and sworn to before me this 14th day of May, 1902.

(Seal)

(Signed) Philip G. Reuter,

Notary Public.

I, Arthur G. Evans, a stenographer to the Commission to the Five Civilized Tribes, on oath, state that the above and foregoing is a true and perfect copy of the original now on file with the Commission, as the same was made by me.

Subscribed and sworn to before me this 23rd day of July, 1902.

Philip G. Reuter
Notary Public.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., May 20, 1902.

In the matter of the application of Edward Wright for the enrollment of himself as a Cherokee Freedmen.

APPEARANCES:

Ben J. Scoville, representing E. B. Lawson, for applicant.
W. W. Hastings, for Cherokee Nation.

COMMISSION: The Cherokee Nation, by its representative, makes satisfactory proof of service on the applicant's attorney that it would, on the 20th day of May, 1902 introduce testimony tending to disprove the right of the said Edward Wright to enrollment as a Cherokee Freedmen. The applicant this day appears by his attorney, E. B. Lawson, who is represented by Ben J. Scoville, Nowata, Indian Territory.

MR. HASTINGS: The Cherokee Nation offers in evidence a decision of the Chambers Commission on Citizenship as found on page 57 of a book taken from the records of the Executive Department of the Cherokee Nation entitled, "Docket of the Chambers' com'n on citizenship," as follows

"No. 25 Edward Wright
vs
Cherokee Nation.

(Ex. 7th of June.
Answer filed.

Judgment against claimant June 27, 1879."

The Cherokee Nation also offers in evidence from the same record as above page 57 of the same, the following:

"No. 29. Major Wright
vs
Cherokee Nation.

(Ex. June 7th. Statement filed
on the 26 of June.
1st July set, 1st Aug.
set for trial.
Judgment against claimant June 27th, 1879."

The Cherokee Nation offers in evidence the application made for citizenship in the Cherokee Nation by Lewis Whitmire on the 26th day of June, 1878, as found on pages 164 and 5 of book B, entitled, "Citizenship record 1874," as follows:

"Before the Commission sitting at Tahlequah to rey claims to Cherokee citizenship.

The undersigned claimant in the name of
Lewis Whitmire
vs

Cherokee Nation

respectfully presents the following statement of his claim according to the requirement of the Commission.

Claimant claims under classification five of claimants in the law creating this Commission, that is, as a colored person formerly a slave owned by a citizen and resident of the Nation at the

beginning of the late war, freed by law and made a citizen of this Nation by provision of the treaty of 1866. For

claimant was at the time and place above said owned by George Whitnire, a Cherokee citizen, left the country during the war and returned in the summer of 1866 to select and prepare a home for his family (they then being without one) and again the following year prosecuting the work on his circumstances and the condition of the country at that time prevented and leaving his family in the intervals of time when they would subsist without discomfort and exposure and until a removal of that was practicable which removal of claimants finally was accomplished to the point of the Nation settled by claimants for theirs and his home in the spring of 1867.

Claimants rights have been called in question by competent authority, and he therefore presents them to the important examination of this Commission as are authorized so to do by law.

This June 26, 1878.

Lewis Whitnire,

By W. P. Boudinot, Atty."

The Cherokee Nation offers the following from the same book and continuing on the same page, the application of Moses Whitnire as follows:

"Refer the Honorable Commission sitting at Tahlequah to try rights to Cherokee citizenship.

In case of Moses Whitnire

vs

Cherokee Nation,

claiming Cherokee citizenship.

Claimant claims under the fifth specification of the classes of claimants to citizenship as found in the law creating this Commission, to wit as a colored person formerly a slave owned by one George Whitnire, Cherokee citizen, resident of this Nation, at the beginning of the late war, and freed by law and made a citizen by provision of the treaty of 1866. Claimant respectfully refers to the statement by claimant Lewis Whitnire as embracing the facts which the present claimant would submit to the Commission as the grounds of his claim.

Respectfully submitted,

Moses Whitnire.

June 26, 1878.

By W. P. Boudinot, Atty."

The Cherokee Nation offers in evidence from a book taken from the Executive Department of the Cherokee Nation entitled, "Register of evidence before court of Commission Chambers Court, Book A," page 239, case No. 60, as follows:

"Case 60.

Aaron Whitnire

vs

Cherokee Nation.

Tahlequah,

July 3, 1878.

Nike Fields a witness for claimant called and sworn.

I on I think I am about 47 years old. I live in Illinois near lot, C. N. Am a citizen of the Nation. I have been on the doubtful roll but had my rights proven up before the Supreme Court,

Am a citizen under the treaty of 1866. I went north to the state of Kansas in '62. I returned in August -- 21st or 22nd, 1866. I left my family in Fort Scott when I came. I came down to get me a claim. I staid about three weeks that time, and then returned to Fort Scott. After I returned to Fort Scott there were others who started down, the Whitmires were of that number. The claimant was one of them. They came down in Decr, 1866. They returned to Fort Scott before I left there. I left Kansas about the 2nd week in January, 1867 and got to the crossing of the Neosho river about the last of January. When I first come down there was about 15 in the party. They left their families in Kansas when they came down here. There was some of party come with the Whitmires who piloted the Whitmire party and my party were Sam Webber, Mike Lonsela, Sam Webber, Jr., Aaron Webber, Reubin Sanders, Tuck Sanders.

The Whitmire proper were Aaron, Lewis, Mose, Dennis and Nelson Whitmire and others that I do not recollect. The object of this party coming was for the purpose of erecting homes. When I moved with my family I stopped on Fryers Creek at Mrs. Alberty's and remained about two weeks. The reason we left that part of the country was because that part of the country was too sparsely settled and bare of subsistence. As I was coming down the first time we were overtaken by the Cherokee Delegation. They were some who come here were authorized by others to locate claims for them, one was by HeKey requesting Abe Fields to locate for him. The original request filed.

Cross Examined.

I can not remember the date I arrived here the first time from Kansas. The claim we made I got three sets of house logs, hauled them and piled them up, and some of the men put up houses, I did not put up a house. I started back to Kansas about the middle of September. When I first left the country it was in February, 1863. I was a slave before the war and was owned by Sam Taylor when the war broke out. He was living on Greenleaf near Bushy Mountain on this side of Arks. River. When the Whitmires returned to Fort Scott I do not know when they left there to come to this country as I left them there when I left. It was reported when they returned to the Nation that the Whitmire party had built houses. But I do not know this myself as I was not along. I only heard they had. The war closed in 1865 I think. I did not know it myself but people told me who could read.

I do not know myself that it was the month of Aug. When I come here first, but I was told it was that time.

Re Direct.

It was the December following the time I first came down that the Whitmires come down first to select and improve claims.

Wick x fields.

his mh.

Aaron Whitmire)

vs)

Cherokee Nation.)
called and sworn.)

August 1, 1876.

Bluford Alberty, witness for claimant,

I reside in Cooweescoowee District, C. H. I am a native Cherokee citizen. I left the Nation during the war. I returned to the Nation on the west side of Grand River, Cooweescoowee District.

on the 3rd of September, 1866. I had occasion some time in the last of Oct., or the first of Nov., or probably it might have been as late as the middle of November, to go to the Viridilla. While out there I fell in with a party of seven or eight persons who were camped with others near San Geronimo. I did not go to the camp. They were colored people. I know most of them. The Indians were old Sam Webber, Aaron Whitnire, and a younger brother and Lewis Whitnire.

There was another person whom I was told was a Landrum. I do not recollect any of the others and can not identify them. The Whitnires were Johnson and George Whitnire, Aaron, Lewis and his brother belonged to George. In conversation with Sam Webber he asked me if I knew anything about the treaty and if Jim Hobanfel had got home. I told him I had not seen the treaty but had heard rumors about it. He told me they had come to pick themselves horses or make claims and that he was the leader of the company and the reason why Major Wright did not come was that he was an old man, but that he had sent his son down to work for him and make him a claim. He then asked what chances there was to get provisions over on the river; I told him there was none there, but that there was a lot of condemned flour at Gibson and if they would go there they would get some. He also represented that they had come down to make claims for others, who had remained in Kansas, to build them homes and on fourth. They also stated that they were notified to come, and that they had accordingly come to make claim for themselves and the others that they left behind in Kansas. As near as I can recollect it was some time in October or November that I saw these parties. I was not very cold weather at the time. I recollect as I camped out at night. I did not see any of these parties after this 1st of May, 1867. There was no provisions to be had in this country at that time. Provisions were very scarce. It was my understanding that they had come to prepare homes for themselves and families. They told me so at least. Major Wright belonged to Cornelius Wright before the war.

Cross Examined.

I heard after this some of them went back to Kansas. At the time I met them I do not know whether their families were with them. I think I saw Dennis Whitnire with this party, but am not certain of seeing Dennis or Nelson. I know there was four of the Whitnire boys. They were owned in the Nation and resided here up to the breaking out of the war.

B. W. Alberty.

Aaron Whitnire
vs
Sherokee Nation.

I know Melissa Retliff. She was twelve or thirteen years old at the close of the war.

She was living with me then and still lives in my family. Jack Landrum was one of the band above referred to, also Panson Daniels. I learned from our leaders Uncle Mike and Sam Webber that the Cherokee delegation advised us to settle in a compact body on unoccupied lands. We crossed the Necho in coming down at McLane's Ferry in 1866. The chief ferryman who crossed us was Bill Martin.

While on Lightning Creek in 1866 I saw Mr. Alberty but had no conversation with him, but Sam Webber had in my presence.

Oran Whitmire.

I am a claimant before this court for citizenship. I am a half-brother of Aaron Whitmire, Louis, Dennis and Nelson are also my brothers. Mariah Whitmire is my sister. Major Wright is my stepfather. The names of the family that came with me to the Nation are as follows: Mike Sanders, Sam Webb, Peter Neige, Will Foreman, Tuck Sanders, Ransom Daniels, Sam Webb, Jr., Louis Whitmire, Nelson Whitmire, Dennis Whitmire, Aaron Whitmire, is all I can recollect now. Witness and my brother were authorized to make claims for others still back in Kansas. Dennis made a claim for Major Wright. I can't name any others. Witness was a man of family in 1866 when he came on from Kansas. My family was at Fort Scott. Melissa Ratliff, Ed Wright, and my wife and myself composed my family. Louis had no family. Aaron and Nelson did. Major, Sam, Nelson and Allen were Aaron's children and his wife, Sarah. They were left, the wife and children in Fort Scott when we came in 1866. Mike Sanders, Thos. Sanders were Nelson's family and back at Fort Scott. We went back last January 1866 to Kansas after coming to the Nation. When witness returned in 1867 to the Nation Aaron, Louis, Nelson, Dennis, Ransom Daniels, Tuck Sanders, Peter Neige and the families of those who had families all come as I did besides others not particularly remembered. This was the first time any of our families had been to the Nation, at least mine, Aaron's and Nelson's.

The first time Mariah Whitmire was in the Nation after the war closed was after our parties returned in families in 1867.

The first time Major Wright returned was on our first trip in 1867. Melissa Ratliff was owned by one Alec Ratliff at breaking out of war. She first came in March 1867. Jack Leachman was along in 1866. He was a slave at the beginning of the war. I was present during the examination of Mr. Alberty as a witness in this case.

Re Direct.

Mariah's family at the close of the war was a separate family. Harry Whitmire, her son, represented his father on the first trip in 1866. Witness is about 53 yrs. old. Major Wright was an old man at the close of the war. Louis Whitmire had been back to the Nation before 1866.

Attest

D. L. Nicholson,
Clerk.

Monex Whitmire,
mark.

Case 63.

Aaron Whitmire & family }
vs }
Cherokee Nation. } Claiming citizenship.

Now comes claimant by Atty before the Commission sitting at Tahlequah to try certain claims for citizenship in the Cherokee Nation and makes this his statement of his grounds for said claim to wit-

Claimant is a colored person and claims as aforesaid under privilege of the fifth specification of the classes of claims preferred by law to the Commission to examine and decide rights by competent authority having been denied citizens.

Claimant belonged to Geo. Whitmire a Cherokee citizen at the commencement of the war of the rebellion and was then living in this

Nation. After the beginning of said war claimant moved to or the vicinity of Fort Scott with his family at which location he resided until the summer of 1868 when he returned to this Nation and proceeded to select and improve a home on the Verdigris River for himself and family's permanent residence.

While he was thus making preparations for the removal of his family by providing for their habitation and subsistence at the place mentioned they his family remained where they had been sojourning during the war.

Claimant was compelled by unfavorable circumstances and the attention he was obliged to bestow upon his family to remit his work upon his improvement on Verdigris River from the early fall of 1868 to the early winter of the same year, when he resumed labor upon his improvement, after which he removed his family as soon as practicable to wit in the spring of the year of 1867.

Claimant claims to have returned to this Nation in his own person and as representative of his family within the time provided for by treaty, in that having no residence to come to as other former citizens he did everything possible to constitute a return consistent with the duty he owed to his family by laboring as far as his means allowed to provide a home in this Nation.

Respectfully submitted,

Aaron Whitmire,

By Atty Wm. P. Roudinot.

Aaron Whitmire

vs

Cherokee Nation.

August 1st, 1878.

Wm. Martin, witness for claimant, called and sworn.

I live on Big Creek, Cooweescoowee, C. N. Am a citizen of the Nation. From August up to Christmas 1868 I was at the ferry on the Neosho River on the old Military road leading from Fort Scott, Kansas to Fort Gibson, C. N. Am acquainted with claimant and his brother, Lewis, never knew Aaron until I met him at the river. Lewis I knew prior to that time. While I was in charge of the ferry I recollect having met claimant and Mose, Lewis, Dennis and Nelson, Whitmire, Peter Moigs, Mike Sanders, Sam Webber, and Young Sam, Bill Moreran and others but I do not recollect anything about them. They were traveling. They stated they were coming from Fort Scott, Kansas, they were traveling from the direction of Fort Scott. I crossed them from the Shawnee side of the River into the Cherokee Nation, they inquired the road to Big Creek. McLean gave them the directions to the head of Big Creek. They stated the reason why they were coming was that the Cherokee Delegation had invited them to come back under the treaty. They mentioned Jim McDonald as the principal one who had invited them and they were then on their way to select themselves homes.

It was after the Delegation returned that I met claimant and the others spoken of it was pretty cold weather when I crossed them. It was as near as I can recollect about the first of October, 1868. I am positive it was before Christmas at I left them at Christmas or probably a few days before Christmas.

Cross Examined.

I was not acquainted with the claimant nor any of the others named previous to the war.

I do not know who owned before the war. I do not know whether they had lived in the Nation previous to the war. I do not recollect of seeing any of the families of the parties named at the time.

I crossed them over the river. I set some of this same party back over the river a short time after they had come in, Lewis, Nelson and Dennis Whitmire and little Sam Webber and I think they were some of the parties from conversation with them, but did not become particularly acquainted with their names at that time. I think there was one woman with the party. I think she was little Sam Webber or not. I was positive there was no children as I never seen any. They had camped there long enough that were they any women and children I would have known it. The next time I saw claimant was in the fall of 1867 on Big Creek. I learned from them that they had got there in March 1867. I know this from having heard it generally talked amongst themselves.

Be Direct.

At the present time the distance between our two settlements is about 5 miles. I recognize the claimant and the other parties spoken of. I have been there frequently since that time, I sat them over the river. When I saw them in the fall of 1867 they had their families with them. The means of subsistence at the time I crossed in the country at that time was short.

William Martin.

Aaron Whitmire
Vs.
Cherokee Nation.

July 4th 1878.

Wm. McCracken for Claimant.

Witness met claimant near Fort Gibson in Nov. or Decr, 1866. Met him at the ferryboat on Grand River.

Witness had a conversation with claimant at the ferry in which claimant said he was on his way to Going Snake his former home in the Nation and seven of claimant's brothers were behind on the road. Witness is a citizen of this Nation and knew claimant before the war.

Attest:

D. L. Nicholson, Clerk.

Wm. McCracken.

Aaron Whitmire
Vs.
Cherokee Nation.

Eluford Alberty.

George Whitmire before the war lived in Going Snake Dist. This Dist. borders on the line of the state of Arks.

Claimant now resides near the western line of the Cherokee Nation. The settlement before the war was sparse where claimant now resides. I would say the distance from where George Whitmire resided prior to the war, and claimant's present residence is 80 or 100 miles. Witness states that he had a conversation with Sam Webber in which Webber assigned as a reason for settling where he had was that Agent Jones advised the colored people after their freedom to settle in colonies or as thickly as it was convenient to do in an uncoupled part of the country.

This was thought best for the colored man as they could have their own schools as until matters were more regulated in the country. The first conversation was in the fall of 1866. The second conversation was in the spring of 1867. I saw several of their families in May, 1867 on Big Creek or Lightning Creek in the Nation.

The home of Clement is in the same locality as that of the first mentioned above. In Oct. or Nov. 1866 I gave Clement and other colored men permission to occupy the wild fields in that neighborhood for the purpose of raising crops the year following. Louis Whitmire in the name of the other man, I also permitted to go on the old fields. The Spring of 1867 I saw Aaron and Louis Whitmire at work on the two fields spoken of. This settlement of colored folks has the character of quiet industrious and law abiding citizens as much as any in the Nation. Some of these people have large and good farms all made by themselves since the war.

Witness with a party of six gentlemen in the Fall of 1866 saw this colored party who settled on Big Creek afterwards on the neighborhood for the purpose as they stated the time of collecting their homes. Several claims was then in sight of witness which the colored party said they had collected and are now the homes of the party above indicated.

Agent Jones was at the time advising said Col. Smith. A Delegation for the Cherokee Nation at Washington. There were parties from their claims this colored party at the time they were prospecting done or carried out. Witness' party spoken of above was composed of Cherokee Citizens except one colored man. I of the said survivor of this party except the colored man and possibly one other. Occupation of witness is herding wild cattle. I travelled a good deal in that neighborhood at that time spoken of.

Continued on page 282.

Aaron Whitmire et al.

July 16th 1878.

Cherokee Nation.

John Riley.

Sworn as witness for said. I live in Doonacowee Dist. I first moved there in 1862 and have continued to reside there except in time of war. I came back in the month of August 1866 to the Nation. I knew Aaron Whitmire. He returned to me to the Virginia River to live in the month of March 1867. Also came at the same time Pat & Heigh, Mike Sanders, Sam Roberts, Billy Foreman, with their families and others whom I don't recollect. Claimant made a crop that spring in 1867 on an old place of Aaron Lundrum. He had settled no other place before that.

Cross Examination.

I don't know of any colored heads of families coming in to the Nation in the month of Decr. 1866 to locate here but I know of some who come in Sept. for that purpose. I know where Aaron Whitmire lived at this time. I was near Spady's Bluff in June '66. I live on the west side of the river. Claimant lives and settled on the east side of the river. If any heads of families came in near 1866 I never knew of Bluff. I never knew of Bluff. Albany being in the part of the country in 1866 in the party who came down in Sept. 1866. Aaron Whitmire was not along but Mike Sanders, Sam Roberts, Solbert & perhaps Billy Foreman. Moses was not along. Henry was not along as I know of nor Elijah nor Major Wright nor Nelson Whitmire that I know of. If any such party had come down in near 1866 I think certainly I would have known it.

Joseph Riley.

Samuel Riley.

(page 281)

About the 1st of May 1867 I first saw this party with their families at their new homes. Claimant and others of this colored party told witness that they returned in March 1867 to the Nation.

Be Direct

I learned from John Ocker that most of this colored party returned to Kansas after their families and a few remained. I was at General Convention of the Colored People in Dec. It was witness' understanding that the purpose of said convention was to ratify the treaty of 1868. I think the object of the convention was to ratify amendments to the Constitution under the treaty and to ratify the treaty. The treaty was concluded the 9th of Aug. 1868 in my information. It might have been July 19, 1868.

Witness went South during the war. J. B. Jones was not at the time herein mentioned. U. S. Agent but was a Delegate and was Agent afterwards.

Attest

J. F. Alberty

D. L. Nicholson,
Clerk.

Aaron Whiteire

vs

Cherokee Nation

Taken on May 10, 1878.

This day came John F. Lyons Atty for Cherokee Nation and denies all and singular the allegations of claimant contained in the above named case.

John F. Lyons,
Atty for C. N.

Arthur G. Croninger, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the proceedings in the above case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) Arthur G. Croninger

Subscribed and sworn to before me this 2nd day of June, 1902.

(SEAL)

(Signed) P. C. Reuter.

Notary Public.

I, Arthur G. Deans, a stenographer to the Commission to the Five Civilized Tribes, on oath, state that the above and foregoing is a true and complete copy of the original now on file with the Commission, as the same was copied by me.

Subscribed and sworn to before me this 15th day of Aug., 1902.

Prince C. Jones
Notary Public.

D-514

To be made with S. F. F. and F. F. Smith,

Department of the Interior,
Commission to the Five Civilized Tribes,
Wash., D. C., May 22, 1902.

In the matter of the application of Charles V. Smith et al for
enrollment as Cherokee Freedmen.

TESTIMONY IN BEHALF OF APPLICANTS.

SUPPLEMENTAL TO D-514.

APPEARANCES:

LEWIS T. BROWN, representing Charles V. Smith, for applicants,
F. F. HASTINGS, for Cherokee Nation.

SA WEBBER, being first duly sworn, testified as follows:

- Q. BROWN, state your name. A. Sa. Webber.
Q. What's your age? A. About 50 or thereabouts.
Q. Your post office address? A. Nowata.
Q. Are you a recognized citizen of the Cherokee Nation? A. Yes, sir.
Q. Do you know Charles V. Smith, the applicant? A. Yes, sir.
Q. Do you know his wife? A. Yes, sir.
Q. Do you know her mother? A. Yes, sir.
Q. What was her mother's name? A. Her name was, we called her Aunt
Tilda Dammberg.
Q. Do you know what her name was before she went by the name of
Dammberg? A. That's the name I knowed her by.
Q. Do you know what her second name was? A. She went by the name of
Tilda Lacey before she died.
Q. Do you know when she returned to the Cherokee Nation after the
close of the war? A. I don't know just what month she returned; I
know when I seen her.
Q. Please state when it was? A. Why I saw her about just about
Christmas in '66.
Q. Now Mr. Webber go ahead and state the circumstances of your
seeing this woman at that time, and what, if anything, you done?
A. Why I went down to Lightning Creek, and I live about did live
about ten or fifteen miles from Lightning, and I went down there to
see this Harry Still, and I heard she was there when I was there,
she had got a little claim, this claim that Harry Still bought from
them afterwards, and she was there, her and her children.
Q. Who else was there? A. Why, see Harry Still and Mariah Hayden,
and we used to call Aunt Mariah's daughter Puss then was all the
name I knowed her by.
Q. What's her name now? A. I declare I never could give any name
only Puss.
Q. What's her husband's name? A. Buckner.
Q. George Buckner? A. Yes, sir.
Q. Anyone else there? A. Why this Andy Rider was there, and this
Smith's wife.
Q. Charley Smith's wife? A. Yes, sir, and her sister, and a little

boy he called Sam.

Q Do you know John Brown? A Yes, sir.

Q Do you know his sister? A Yes, sir.

Q Was she there? A Yes, sir, she was a girl then.

MR. HASTINGS: If Marian Hayden testified before the Quarter Court in her application or set forth in her application before the Chambers Court that she never came here till '87 when she made application in '78, she was mistaken then was she?

MR. BROWN: Wait a minute; it is objected to for the reason that it is assuming a fact not proven.

COMMISSIONER: Objection will be noted; answer the question, Mr. Webster.

Witness: She must have been mistaken if she testified that.

MR. HASTINGS: When were you married? A I was married along after Christmas.

Q What year? A '87.

Q How long after Christmas? A Why it wasn't long after, not very long after.

Q What women came down with you in the fall of '86 in the fall of '86?

Q Yes, sir. Was there any women? A Yes, sir, let me see now, if I could tell you there was a girl they called Della Fox.

Q Anybody else? A And Dick Thurman's daughter, they called her Hannah.

Q Who else? A And then there was the Sanderses women, and the Helgeson women.

Q Well was Rube Sanders down here before? A Yes, sir, he was too, I know he was.

Q Well then you came as he come did you? A Yes, sir, and he come as I come.

Q All come along together? A All come along together.

Q And that was in the fall of '86? A Yes, sir, we come in the summer, and went back, and then come again, and come again in the fall.

Q You went back and come back in March of '87? A I went up there and married.

Q Now I will ask you if it is not a fact that not a single woman nor a single child come here and located north of the Prisco Road and east of the N. E. & T. in the winter of '86; did you have a house there? A Yes, sir.

Q Were you living in your house? A I built a house in the summer when I come down here.

Q Was Aaron Wright living up there? A No, he wasn't living there; he come, well he come down and lived there after we moved there.

Q Well but was he living there on Lightning Creek near Marian Whitacre when you went over there and when you saw this woman? A Oh,

when I saw that woman he was living there.

Q He was living there was he? A He moved there in the spring.

he lived on the place where Mr. Martin lives now, just right in the neighborhood, and made a crop on the old farm there without any fence.

Q What spring was that? A In the fall of '86 he moved down to Lightning Creek.

Q But when did he move to the Cherokee Nation with his family? A Aaron Wright?

Q Yes, sir. A Why he come in the winter.

Q Well of what sort? A Along in '87 when Aaron Wright come.

Q Well what time in 1877? A In the winter.
 Q Well was it in the early winter or was it in December? was it January of '77 or was in December of 1877? A I went back to there and married and then he come down here just after that and been there ever since.
 Q Tell when did Lewis Whitmire come? A Come with us.
 Q Come along as you come did you? A Yes, sir.
 Q Then you come a Lewis come? A Yes, sir.
 Q Did you come actions Whitmire with? A Yes, sir, he was one of our crowd.
 Q And Reuben Sanders come at the same time? A Yes, sir, he was one of our crowd.
 Q Whenever they come you come? A Yes, sir.
 Q I mean when they moved their families, is that the time your families came that is your father's family? A Yes, sir, that's what I am talking about.
 Q And it was after this then that you saw this woman that you spoke of, this Dannonberg or Matilda Dannonberg? it was after that, was it?
 A That was before that, before I married, you know.
 Q It was before you married? A Yes, sir.
 Q That you saw her? A Yes, sir.
 Q But it was after you had come down here? A Of course.
 Q Well it was after these women had come down here? A Yes, sir, and it was after Lewis Whitmire had come down with his family? A Yes, sir, Lewis had no family then.
 Q Well it was after Mose had come with his family? A Yes, sir.
 Q It was after your folks had come? A Father had no family only two boys.
 Q Well it was after you had all come? A Yes, sir.
 Q Maria Hayden was down here at that time? A Yes, sir, she was down there.
 Q They were all down there, were they? A Yes, sir.
 Q Do you belong to the Freedmen's Protective Association? A Yes, sir.
 Q And you one of the committee that's been around here for the last three months representing the Freedmen? A I stay here all the time.
 Q I will ask you if you ain't a member of the committee down here representing them and looking after their interests? A I am here looking after all that I witness for.

MR. BROWN: Uncle Sam, you are on the roll of 1893? A Yes, sir.

Q Lewis Whitmire, Mose Whitmire, Aaron Whitmire, Reuben Sanders, are on the roll of 1893? A Yes, sir.

MR. HASTINGS: The Cherokee Nation asks that the testimony introduced by the Cherokee Nation in the case of Ed Wright, the same being Freedmen Doubtful 516, as to the time of the return of the Whitmires, also the testimony of Aaron Pepper, together with the testimony introduced by the Cherokee Nation in the case of Aaron Pepper, being F. D. 516, be introduced and made a part of the record in this case. The Cherokee Nation also asks that the testimony of Reuben Sanders, as well as all of the testimony introduced by the Cherokee Nation in the case of Elizabeth Neigs, the same being

...and introduced and made a part of the record in this case.

Commission. The above testimony and proceedings were filed in the following Freedmen cases: D-514, the same being the bond at bar, that of Charles C. Smith, D-474, John J. Rose, D-511, Emily Nolan, D-515, Pearl Smith, D-516, Matilda Smith, D-522, Elvora Smith, D-505, Cora Morris, also in Cherokee Freedmen cases D-517, D-518, D-520, D-521 and D-524.

Arthur G. Cronin, being first duly sworn, states that he is a stenographer to the Commission to the Five Civilized Tribes and that the foregoing is a true and correct transcript of his stenographic notes thereof.

(Signed) Arthur G. Cronin.

Subscribed and sworn to before me this 28th day of July, 1903.

(Seal)

(Signed) P. B. Reuter,

Notary Public.

I, Arthur G. Evans, a stenographer to the Commission to the Five Civilized Tribes, on oath, state that the above and foregoing is a true and perfect copy of the original now on file with the Commission, as the same was made by me.

Arthur G. Evans

Subscribed and sworn to before me this 28th day of July, 1903.

Prince Jones
Notary Public.

Freed. D-514.

File with Cherokee Freedman D- 515, Pearl Smith.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T. May 31, 1902.

In the matter of the application of Jane C. Smith for the enrollment of herself and children as Cherokee freedmen.

Applicants appear by Mallette & Smith; Cherokee Nation by J. S. Davenport. Testimony in behalf of applicant.

Frank Ross, being sworn and examined, testified as follows:

By. Mr. Smith: State your name? A Frank Ross.

Q How old are you? A 54.

Q Where do you live? A On Lightning Creek, Cherokee Nation.

Q You know Charles C. Smith? A Yes sir, I know him.

Q Do you know his wife? A Yes, sir.

Q What is her name? A Jane.

Q Where do they live, Mr. Ross? A They live up on Hickory Creek, the last time I was up there.

Q In the Cherokee Nation? A Yes sir.

Q How long have they been living there? A They have been living there a good long while.

Q A Good many years? A Yes, over 21 years.

Q Who was Malinda Dannenberg? A His girls' mother.

Q The mother of Jane? A Yes sir.

Q When did you first see Malinda Dannenberg after the war? A In the winter of '66 on Lightning Creek.

Q Was it before Christmas? A Yes sir.

Q Was it in December or November of '66, or do you know? A In December of '66, along about the first of it.

Q Who did she have with her? A She had three children with her, a boy and two girls.

Q Who were they, name them? A Jane, Jim, I forget the other ones name right now.

Q Was that the wife of this man Charles Smith? A Jane was the wife of Charles Smith. The other one is named Emma.

Q Who did she marry? A She married a man by the name of Rose.

Q What Rose? A John J. Rose.

Q What is her present name, what name does she go by now? A She married another man, I don't know his name.

Q Would you know it if you were to hear it? A Yes sir.

Q Was it Nolan? A Yes sir.

Q Her name is Emily Nolan? A Yes sir.

Q Where did you see them? A On Lightning Creek.

Q What were they doing there? A They were camped there.

Q Do you know how long they continued to stay there? A They were there when I left.

Q How long did you stay there? A I stayed there about four or five days.

Q Did you see them any more after that? A I saw them after that about four or five years after that.

Q Not until four or five years after that? A Yes sir.

Q Where did you live at that time? A I lived on Brice's Creek part of the time.

Q I mean at that time where were you living at the time you saw these people? A I was living on Brice's creek.

Q That is how far from Lightning Creek? A About 25 or 30 miles.

J. S. Davenport: You are a freedman citizen of the Cherokee Nation?

A Yes sir.

Q You have been a witness in several of these claimant cases, freedmen cases, haven't you? A Yes sir.

2-Jane C. Smith et al.

Q Well now, how old were you when the war closed? A I was about twenty, I guess.

Q Where were you living at the close of the war? A I was in the army at the close of the war. I was mustered out in '65.

Q Where were you mustered out? A At Leavenworth, Kansas.

Q What regiment did you belong to? A 79th, Company E.

Q Had you known this Matilda Dannenberg before the war? A No sir.

Q You first met her on Lightning Creek? A Yes sir.

Q Who was living with her? A They were in a camp there.

Q I asked you who was living with her when you saw her? A Her children, three children.

Q Any men folks? A Harry Still.

Q Did they have a home there of any kind? A They did not have no home at that time, they just come down from Kansas then.

Q Do you know how long they stayed there? A Some of them is there yet.

Q Which some of them is there yet? A Mrs. Hayden and Harry Still is there.

Q Which of the people have continually resided there from '65 until the present time? A Jane and Jim and all of them.

Q Have they resided in the Cherokee Nation ever since '65, are you able to say they have? A Every time I saw them they were there, they never were out.

Q Don't you know they have lived out? A No, I don't know.

Q Don't you know John Rowe and Emily were married in the State of Kansas? A No sir.

Q Did you know her before? A Yes sir.

Q Before they were married? A Yes sir.

Q How many years did you see her before she and John were married? A Ten or fifteen years.

Q Before Emily Dannenberg and John Rose were married? A Yes.

Q You are sure? A Ten or fifteen years.

Q Did you ever see Emily before the war? A I told you I didn't know them before the war.

Q You think it was at least ten years after the war before she and John were married? A I guess so.

Q Do you know anything about it? A Yes, sir.

Q If you know anything about their marriage you know they were married in '67? A I didn't see them when they got married.

Q The record of the Court shows they were married in '67? A I wasn't there when they were married.

Q It could not have been ten years from the time you saw her when she and John were married, could it? You don't remember a thing about that until you were called on at the tale end of this business? A Yes sir.

Q Why, don't you know they were married in '67? A Because I wasn't there.

Q Were you living on Lightning Creek when they were living there?

Mr. Smith: I object to that.

Commissioner: Answer his question.

A All the folks that were living there knowed I was living there.

Q They had a name, who were they? A Moss Wright, Nelson Murrell.

Q Was Nelson Murrell living on Lightning Creek in '65? A Nelson Wright and Lewis Whitmire were living there.

Q They do not claim to have lived on Lightning Creek until after '66; they were living on Big Creek then? A They had built their houses there in '65.

Q They claimed to have built a house there in 1866, does their testimony show that? A I never seen their testimony.

Q Don't you know they claim they come down here in the Fall of '66 and stopped on the Verdigris and made a crop and then came over on Big Creek and then in '67 came to Lightning Creek? A I don't know, it was '66 when I seen them up there.

Q Where was Charles Smith and his wife married? A I don't know.

3-Jane C. Smith et al.

Q Where were they living when they married? A I don't know.

Q Did you ever know them before they were married? A Yes sir, I knew the girl.

Q What was the girl's name? A Jane.

Q Where did you know her? A I knowed her on Lightning Creek and on the bend, in there.

Q What bend? A Goosenack Bend.

Q It is some distance from Goosenack Bend to Lightning Creek? A About fifteen miles.

Q How big a girl was she when you knew her? A She was a big girl about 17 or 18 years old.

Q Was she living in a house up there? A She was living in a tent when I seen her.

Q How often did you see her? A I saw her lots of time. I never saw her but once in '66.

Q How long after that until you saw her again? A About four or five years.

Q They weren't living in a house when you saw them first? A They were living in a house then.

Q You never seen her until after '66? A I hadn't seen her until I saw her after that.

Q When did you see her when she was living in a house? A It was along about '73 or '74.

Q When did you see her mother, Matilda; was her mother living in the Cherokee Nation, living in a house? A I saw her living in a house along in '70.

Q When did you see Emily Nolan living in a house in the Cherokee Nation? A I saw them living with their mother.

Q How did it happen that you were going through that country in '66 and remember seeing those people in a tent? A I was hunting a place.

Q In '66? A Yes, and am living there yet.

Q You were living on Pryor Creek? A Yes sir.

Q And you changed your locality and went up there, there wasn't hardly anyone living on Pryor Creek? A There wasn't many.

Q Those place did you pass when you went to Lightning Creek from Pryor Creek? A There wasn't any one living there. The country was all wild up there then.

Q And you just happened to go out in that unsettled country away from where you lived to locate your place? A Yes sir.

Q There was plenty of vacant land along Pryor Creek was there not? A Yes.

Q There was plenty along Verdigris? A I didn't want to go on the Verdigris.

Q There was plenty of vacant land there? A Yes.

Q And plenty of it along Big Creek? A Yes, I didn't get on Big Creek.

Q What part of Lightning Creek did you see these people pass? A Rachel Glass' place.

Q Is that the place Harry Still afterwards bought? A No sir, he didn't buy that place.

Q Then you have no recollection of seeing these people living in the Cherokee Nation or camping out in the Cherokee Nation until along in the '70's? A Somewhere along there.

Q You don't know what they did in '66 when you saw them there, whether they stayed there or whether they went away? A No sir.

Q What makes you remember it was '66? A It was after I was mustered out of the service in '65 and I come back home after that.

Q It was the year after you were mustered out? A Yes sir.

Q What year did you locate your farm up on Lightning Creek? A '73.

Q Well, it took you quite a long while, about five years to locate your claim up on Lightning Creek? A Yes, but I wasn't on Brice Creek.

Q You didn't get your place located on Lightning Creek until '71? A I went up there and took my claim.

Q You didn't locate your claim then in '71? A I didn't make no house on it in '66. I didn't do anything on it then, I went over it, I wanted to see what it looked like.

Q It looked like a wilderness? A Yes.

Q And you left it five years before you went back? A Yes sir, there wasn't anybody but a few old settlers, the Whitmires were there.

Q Name a Cherokee or white man that lived there? A There wasn't any lived there then. There is not many now.

Q Did the Whitmires have their women folks there when you were there in '66? A Aunt Mariah Hayden was there.

Q What month was this in '66? A Along before Christmas.

Q You said a while ago it was in December? A Yes, December is before Christmas; Christmas is in December.

Q What makes you remember it was before Christmas? A Because it was getting cold, it was getting winter.

Q Why doesn't it get cold right after Christmas? A Yes, sometimes it gets cold before Christmas.

Q You want to get it before Christmas so as to be sure to get it within the treaty that they were there? A No, that was the time we was there.

Q Did you have a conversation with them as to their having been freedmen? A Yes, I knowed them before the war and I talked with them.

Q You stayed all night with them? A I stayed all night with Nelson Whitmire.

Q Is he living or dead? A He is dead, his wife is living.

Q Well, you don't know where Charley Smith and his wife have been living since that time? A Living on California Creek.

Q All the time since '66? A Every time I have seen them.

Q Have they always resided in the Cherokee Nation since '66? A I couldn't say that, they might have gone out somewhere; every time I saw them they were here.

Q When did you first get acquainted with Charles Smith? A It has been a long time.

Q Was it in '66? A I didn't know him until after he married this woman.

Q Was he a freedman too? A I don't know.

Q Don't you remember him as well as meeting his wife? A Yes sir.

Q Well what year did you meet Charley Smith? A I don't remember.

Q Why can't you remember him you remember his wife? A Because I remember it being directly after the war.

Q You remember because he married a girl out in the prairie; out in a camp? A I didn't say anything about in the prairie. I said it was on the forks of the Creek.

Q You remember his wife because you had met her out there? A Yes.

Q Why can't you remember the year he and his wife married? A Because I wasn't there, I don't know when they married.

Q You weren't there when they came in on that Creek were you? A Yes sir.

Q You said they were there on the Creek when you got there? A The family was there. I didn't say Charley was there.

Q You weren't there when they left either were you? A I wasn't there then.

Q You don't know anything about it except the little point of '66? A Oh, yes.

Q In later years you have seen them but you didn't see them from '66 until up in '71, you never saw one of his family living up in the Cherokee Nation on Lightning Creek? A I never said I saw them on Lightning Creek in '70. I seen them up on the same bend pretty near every year.

Q What year did you see them most from '66 and up to '71 at celebrations? A I saw them in '70 all along.

Q Then there was a period of five or six years you didn't know where they were? A Yes.

Q Was she married when you saw them there in 1871? A I don't know, she may have been.

5- Jane C. Smith et al.

- Q When did you first see Charley and found out that he claimed to have married this girl? A It was a good while after that.
- Q Was it as late as '80? A Before that, it was along in '77 or '78.
- Q When did you first see this Emily and know that John Rowe and she were married? A About the same time.
- Q About '77 or '8? A Somewhere along there.
- Q Did you ever know of these parties living at Lawrence, Kansas, and Topeka, Kansas? A I never was there, I come through there.
- Q Did you ever know of this family living there? A No sir.
- Q Did you know John Rowe before he and Emily were married? A No and him soldiered together.
- Q You were both mustered out in Kansas? A Yes.
- Q Did you ever see John Rowe from the time that you learned that he and Emily had married? A No, when I seen him he said he was married.
- Q Did you separate from Rowe in the Cherokee Nation or in the state after you and he were mustered out? A We separated at Leavenworth.
- Q How far is Leavenworth from Lawrence? A I don't know how far it is. It ain't very far.
- Q You made the trip didn't you? A But I didn't know how far.
- Q You have no idea what the distance is? A No sir.
- Q When you were mustered out and came down to the Cherokee Nation, do you know whether John had ever met Emily at that time? A I don't know, I left him at Leavenworth.
- Q After you met him in the Indian Territory did you have any conversation as to where they had been living before they came to the Cherokee Nation? A No sir, never had no such conversation. They told me they lived on California Creek when I first saw them.
- Q Where did they say they were living from the time you and John separated at Leavenworth, Kansas, up until the time you learned he and Emily had married? A He never told me where he was living.
- Q Do you mean that we should understand that you had soldiered with a man and been mustered out with him and then separated from him and hadn't seen him for 9 years or about that time and then when you met again you didn't ask as to where he had been during the interval? A No, he never told me and I never asked him.
- Q You and John Rowe weren't very intimate soldiers? A We were always good friends.
- Q Did Rowe ask you where you had been living? A Not that I know of.
- Q You then didn't discuss the subject of residence between you? A Not that I recollect; I don't think he asked me.
- Q What month of the year were you mustered out? A In October.
- Q Of what year? A Of '65.
- Q What year was the Wallace roll made? A Along in '80, some time in '86 I believe.
- Q Why can't you remember the exact year the Wallace Roll was made, you remember '66? A Because I remember '66 is because I was mustered out in '65.
- Q You drew money from the Wallace roll, why can't you remember that just as well as the year '66? A I don't know.
- Q What year was the Kern Clifton roll made? A Along about '89 some where.
- Q How far do you live from Charley Smith now? A He lives up on Hickory Creek.
- Q About how far is it? A About 26 miles.
- Q Has he ever lived any closer to you since he came to the Cherokee Nation than that? A No sir.
- Q How far did you live from John Rowe's? A He lives near Lenapah, about the same distance.
- Q Did he ever live any closer to you than that? A No sir.
- Q Then you haven't been seeing them very often since they came? A I seen them sometimes every year and sometimes twice a year when we have meetings up on the bend.

6- Jane C. Smith et al.

Q You were at Chelsea and Newata and nearly all the places where the Commission was the past year? A Sometimes a day and a half a day.

Q You were there when Charles Smith made his application? A I don't think I was. I saw him there at Chelsea.

Q Did he call you as a witness? A He called me, but he didn't use me.

Q How did that happen? A I don't know.

Q It happened because you didn't know anything that would benefit him? A Just as much as I know now.

Q You didn't tell him then what you know now and what you are telling here to-day? A Yes, I did.

Q How did it happen that he didn't use you then? A I don't know.

Q You waited until the last day before you came? A I didn't know this was the last day.

Q You don't mean to say that you didn't know this was the last day fixed by the Commission? A Is this the last day?

Q Do you mean to say you didn't know? A I heard it was the last day, but I don't know it.

Q And you waited until that day to come and testify? A I have been here ever since Wednesday and have been waiting on you fellows.

Q We have been ready to take it anytime? A I don't know.

Q Have you been denied since you came here that we would not take your testimony? A I don't know.

Q Have you asked that you might give your testimony that you might go home? A I was waiting until they called it up.

Q You know when you came here Wednesday that you weren't expected to testify until today? A No sir, I didn't.

Q And you didn't want to testify until today and not until this afternoon? A I was willing to testify the first day I come here so I could have been home.

Q Who did you ask? A I didn't ask nobody.

Q Been around the Commission room continuously ever since you came? A Not ever since I been here, I have been sick half the time down at the hotel.

Q Who was Chief when you were up there in '66 and saw these people camping? A Bill Ross was acting as chief then.

Q You weren't up there hunting horses like L. D. Daniels, were you? A Lewis Daniels was elected chief after that.

(REDIRECT)

Q How is the health of the people generally in that country? A My health has not been very good.

Q Do you know whether this paper was handed in Thursday that you be called to testify in this case, or not? A No sir, I don't know.

The applicant offered in evidence a certified copy of marriage record taken from the marriage records of Coconawcoocwee District, Cherokee Nation, certified to by B. W. Alberty, Assistant Executive Secretary of the Cherokee Nation.

J. C. Davenport: The representative of the Cherokee Nation objects to the introduction of the paper offered in evidence because it does not purport to be a certified copy of any regular marriage record kept, does not purport to be a copy of the license recorded on the certificate of the Minister or other officer solemnizing the same. The representative of the Cherokee Nation further objects to the document offered because that it is immaterial and incompetent and not a record which can be proven by a certified copy, it not being a record entered by official of the nation while in his official capacity, or which purports to be an official act, but is simply a record stating what the recollection of a man who was at some time clerk, remembers about a certain marriage, and because of the further fact that the Clerk has no power whatever and never did under the Cherokee law, by his unlawful acts, have the right to admit to

citizenship anyone by violating the law and issuing to them a marriage license. Commission: The document will be filed and considered for what it may be worth.

7-Jane C. Smith et al.

This testimony will also be filed in the following freedmen cases:

D-882, Elnera Smith;

D-515, Pearl Smith;

D-511, Emily Nolan et al;

D-517, Mary Blackburn et al;

D-520, James Colbert;

D-804, William Rose;

D-883, Cora Morris;

D-516, Matilda Smith;

D-474, John J. Rose et al;

D-518, Charles Rose;

D-521, Geneva Lynch et al;

as well as in the case at bar, the same being that of Jane Smith for the enrollment of herself and children, D-514.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

E. G. Rothenberger.

Subscribed and sworn to before me this 16th day of June, 1902.

P. G. Reuter,
Notary Public.

SEAL.

I, Roy Palmer, being first duly sworn, state that as stenographer to the Commission to the Five Civilized Tribes I made the foregoing copy, and that the same is a true and complete copy of the original.

Roy Palmer

Subscribed and sworn to before me this 20th day of August, 1902.

P. C. Jones
Notary Public.

Department of the Interior,
Commission on the Civilized Indian,
Washington, D. C., May 31, 1902.

In the matter of the application of **HERBERT ANANDS** for enrollment as a Cherokee Freedman.

Applicant appears by **Hallett & Smith**, Cherokee Nation, by
W. W. Hastings.

By **Mr. Smith**:
The applicant moves the Commission to make and certify a copy of the decree of the Court of Claims in the case of **Heiser Whitmore, Trustee for the Freedmen, vs. the Cherokee Nation**, No. 12699, filed in the **Mariash Hayden** case, F. D. 498, a part of the record in this case and the cases hereinafter mentioned by reference to the said case of the said **Mariash Hayden**, and if it be deemed necessary that a copy of the said decree be filed in this case and in the following cases, to wit:

Page 221, 222, 223.

By **W. W. Hastings**:
Comes now the Cherokee Nation and objects to the introduction of the decree because, First: It does not tend to show that the applicant was a slave of the Cherokee Nation at the beginning of the war, nor that he returned within the time specified in the treaty of 1866, or that he had been a continuous resident of the Cherokee Nation since that time, or that he is a descendant of such a person. Second: Because the same is incompetent, irrelevant and immaterial, and does not tend to prove an issue in this case. Third: Because the Commission will take judicial knowledge of all laws, treaties and decrees necessary for the determination of the right of any person who makes application for citizenship. Fourth: The Cherokee Nation objects to the filing of a certified copy of this decree in the case of an applicant unless the same is called and filed in each individual case.

Commission:
The motion of the attorney for the applicant will be entertained and the decree of the Court of Claims filed in the case of **Mariash Hayden** will be made a part of the record by reference in all the cases above named with the exception of those which come within the provisions of the temporary injunction recently granted by Judge Gill of the United States Court, of the Northern District, Indian Territory.

By **Mr. Smith**:
The applicant further moves that as to the above named cases including the **Mariash Hayden** case that counsel for the applicant be allowed within thirty days to file any of the proof of any or all of the record other than the decree already referred to.

in the case of Moses Whitmire, trustee, vs Cherokee Nation, on file in the Court of Claims to the counsel of the Cherokee Nation if it is desired to do so.

W. W. Hastings:

The Cherokee Nation certainly most strenuously objects to the allowance of this permission or to the granting of this request for the reason that most of these applicants have had more than a year in which to file all of their testimony that they desired to file to make out their case before the Commission and that notice was given them all by agreement in March last, that the cases would be closed so far as testimony was concerned by the special permission of the firm of attorneys representing these applicants, on the 31st day of May, 1902, and that this being the 31st day of May, 1902, we say that under the rulings of the Commission, that under the agreement between the attorneys, that the testimony in all these cases is to close and should be closed by the Commission, and that no extension should be granted in any case and no case re-opened unless there is some special and particular reason shown either by the Cherokee Nation on the one side or the applicant on the other why an extension of time is necessary or desired.

The Commission:

The law provides that the roll of Cherokee freedmen shall be made in strict compliance with the decree of the Court of Claims rendered the 3rd day of February, 1896, and as the Commission must take judicial notice of the judgment roll of said Court in the proceedings referred to the motion of attorneys for applicants for additional time to file certified copies of the proceedings of the said Court is denied.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings in the above case and that the foregoing is a true and correct transcript of his stenographic notes thereof.

(Signed) E. G. Rothenberger.

Subscribed and sworn to before me this 14th day of June, 1902.

(SEAL)

(Signed) P. G. Reuter,
Notary Public.

I, E. C. Bagwell, a stenographer to the Commission to the Five Civilized Tribes, on oath state that the above and foregoing is a true and perfect copy of the original testimony in the above entitled cause as filed with the Commission, which copy was made by me.

E. C. Bagwell

Subscribed and sworn to before me this July 29, 1902.

P. G. Reuter
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Robert Ross et al.
for enrollment as Cherokee Freedmen, consolidating the applications
of

Robert Ross et al. - - - - - Cherokee Freedmen D 474,
Jane Smith et al. - - - - - Cherokee Freedmen D 514,
Emily Helen et al. - - - - - Cherokee Freedmen D 511,
Pearl Smith - - - - - Cherokee Freedmen D 515,
Matilda Smith - - - - - Cherokee Freedmen D 516,
Mary Blackburn et al. - - - - - Cherokee Freedmen D 517,
Charles Rose - - - - - Cherokee Freedmen D 518,
James Colbert et al. - - - - - Cherokee Freedmen D 520,
Geneva Lynch et al. - - - - - Cherokee Freedmen D 521,
William Rose - - - - - Cherokee Freedmen D 504,
Baisy Rose - - - - - Cherokee Freedmen D 132,
Minora Smith - - - - - Cherokee Freedmen D 552,
Cora Morris et al. - - - - - Cherokee Freedmen D 553.

D E C I S I O N.

The record herein shows that applications for enrollment, as Cherokee Freedmen, were made to this Commission by John J. Ross, for his minor children, Robert and James Ross; said application also included the said John J. Ross, who claims right to enrollment as a Cherokee Freedman by intermarriage, but the status of persons claiming right to enrollment as Cherokee Freedman by intermarriage not being fixed at this time, the said John J. Ross is not embraced in this decision; by Charles C. Smith, for his wife, Jane, and minor children, Chester, Frank, Bertha, Catherine, Curtis and Melvella Smith; said application also included the said Charles C. Smith, who claims right to enrollment as a Cherokee Freedman by intermarriage, but the status of persons claiming right to enrollment as Cherokee Freedmen by intermarriage not being fixed at this time, the said Charles C. Smith is not embraced in this decision; by Emily Helen, for herself and minor child, Jessie Rose; by Pearl Smith, for himself; by Matilda Smith, for herself; by Mary Blackburn, for herself and minor child, Jeff Dickson; by Charles Rose, for himself; by James Colbert, for himself and minor children, Myrtle, Mable, Minnie, Walter J., Benisteen and Pearl L. Colbert; said application also included Susie Colbert, wife of the said James Colbert, who claims right to enrollment as a Cherokee Freedman by intermarriage, but the status of persons claiming right to enrollment as Cherokee Freedman by intermarriage not being fixed at this time the said Susie Colbert is not embraced in this decision; by Geneva Lynch, for herself and minor children, John Looney and Prue Lynch; by William Rose, for himself; by William Rose, for his minor children, May Rose; by Minora Smith, for herself; and by Cora Morris, for herself and minor children, Clarence, David, Charles and Helen Morris. Copies of the testimony taken in the cases of Edward Wright, Cherokee Freedmen D 519; Aaron Webber, Cherokee Freedmen D 516; Joe Ross, Cherokee Freedmen D 542 and Elizabeth Maigs, Cherokee Freedmen D 391, and Harry Still, Cherokee Freedmen #376, are filed with and made a part of the record herein.

The evidence shows that Jane Smith, Emily Welen, formerly Rose, and James Colbert are the adult children of Matilda Colbert (formerly Dannenberg), deceased; that they were the slaves of Cherokee citizens at the commencement of the rebellion; and that they went to Kansas during said rebellion. It is shown by evidence introduced in behalf of the applicants that said Jane Smith, Emily Welen and James Colbert returned to the Cherokee Nation with Mariah Hayden, mother of Harry Still, after the war; and the Commission has decided in the case of Henry C. Hayden et al., Cherokee Freedmen R 198, that the said Mariah Hayden did not return to and take up her residence in said Nation until after 1873 which decision was approved by the Department on November 28, 1902 (I.T.D. 5988, 6242-1902).

Jack Landrum, a witness in behalf of the applicants, testified that the said Matilda Colbert and her daughter Emily, returned to the Cherokee Nation in the fall of 1866 and remained therein for a period of four or five years following that date. If the testimony of Harry Still to the effect that said applicants returned with Mariah Hayden, his mother, be accepted as true it follows that said Jack Landrum is in error when he states that Matilda Colbert and her daughter, Emily, were living in the Cherokee Nation from 1866 to 1870 or 1871. Again, Landrum is positively contradicted by the testimony of Hattie Drake and Jonathan Jones, two witnesses whose testimony is corroborated by other circumstances. Hattie Drake testified that she knew Emily Welen, James Colbert and Jane Smith in Kansas at the close of the war; and that following that time she attended school with Emily Welen and Jane Smith "at two different times" (years). Jonathan Jones ~~and~~ testified that he removed to Topeka, Kansas, in February, 1866; that a year or two thereafter he became acquainted with Matilda Colbert and her three children, Emma, Jane and James, who were then residing at said place; and that they continued to reside there for a period of five or six years following the time he first got acquainted with them. The marriage license dated February 6, 1869, in which the said Matilda Colbert is described as "Matilda Deninburg of Topeka" tends to corroborate the testimony of said Jones. Inasmuch as the witness Landrum is shown to be mistaken in his statement that Matilda Colbert and her daughter, Emily, remained in the Cherokee Nation for four or five years following the fall of 1866, is it reasonable to presume that his testimony is any more accurate on the other points in controversy?

As to the testimony of applicants' witness, Harry Still, it is to be observed that, in his own case, it is established by the weight of evidence that he did not return to the Cherokee Nation until after January 19, 1867. So that if he came back to said Nation with any of the applicants it is obvious that they arrived in said Nation too late to acquire any rights to enrollment. Upon consideration of all the evidence, therefore, we are of the opinion that said Jane Smith, Emily Welen and James Colbert did not return to said Nation until after the time specified, in the decree of the Court of Claims rendered on February 3, 1896, in the case of Moses Whitmire, trustee, etc., vs the Cherokee Nation et al., for the return of freedmen to said Nation.

It further appears that all the other applicants herein were born since 1866; that they are the descendants of and claim right to enrollment through said Emily Welen, Jane Smith or James Colbert; and that they have no other right except as such descendants. The names of none of said applicants herein are found on the 1880 authenticated roll of said Nation.

C. J. 515-

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
JUN 17 1901



ACTING CHAIRMAN

COMMISSIONERS:
HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Nowata, Indian Territory, June 17th, 1901.

Received of the Commission to the Five Civilized Tribes
one copy of the original testimony of June 5th, 1901 in the
matter of the application of Pearl Smith for the enrollment of
himself as a Freedman of the Cherokee Nation.

Pearl Smith
Attorney for Applicant.

Cherokee F. #D515.

INDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the with-
in notice on

by delivering a true copy thereof on the
..... day of A. D. 190...

Given under my hand this
day of A. D. 190

Marshal for the Cherokee Nation.

I, the undersigned attorney for the
within named applicant, hereby accept
service of the within notice on this the

..... day of **SEP 23 1901**, 190..
McClure & Smith
Attorney for applicant.

UNITED STATES OF AMERICA, } S. S.
INDIAN TERRITORY, }
NORTHERN DISTRICT.

I do solemnly swear that I delivered a
true copy of the within notice to

on the day of A. D. 190..

Subscribed and sworn to before me
this

DEPARTMENT OF THE INTERIOR, Public.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

COPIES OF **FILED**
and original **SEP 24 1901** with the
TAMM'S COMMISSION.

SEP 24 1901 ACTING CHAIRMAN.

NOTICE!

IN THE MATTER OF the application of Perl Smith
for enrollment as Cherokee citizens:
Case No. D 515

To Perl Smith or Hellette & Smith & Attys.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee citizen at the office of the United States Commission to the Five Civilized Tribes in the town of Vinita Indian Territory, on Oct. 23d 1901 at 10 o'clock A. M. or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee citizens.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this Sept. 21st 1901.

L B Bell
W. W. Washington
Attorneys for the Cherokee Nation.

CONF
Cherokee Freedmen
D-518.

Muskogee, Indian Territory, March 22, 1904.

Pearl Smith,

Lenapah, Indian Territory.

Dear Madam:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 11, 1904, rejecting, among others, your application for enrollment as a Cherokee freedman. There has this day been forwarded to your attorney, Edgar Smith, Vinita, Indian Territory, a copy of the record of proceedings and a copy of the Commission's decision.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Register.

Enc. D-14.

Commissioner in Charge.

COPY

Cherokee Freedmen
B-474 et al.

Muskogee, Indian Territory, March 22, 1904.

W. W. Hastings,

Attorney for Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 11, 1904, in the consolidated case of Robert Rose et al., rejecting the applications for the enrollment of Robert and James Rose, Jane, Chester, Frank, Martha, Catherine, Curtis and Malveta Smith, Emily Holden, Jessie Rose, Pearl Smith, Matilda Smith, Mary Blackburn, Jeff Dickson, Charles Rose, James, Myrtle, Mable, Minnie, Walter E., Ernestine and Pearl E. Gilbert, Geneva Lynch, John LeMay, Fred Lynch, William and Daisy Rose, Sam, Elvema, David, Charles and Helen Morris as Cherokee freedmen.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

E. B. Needles.

Enc. D-24.

Commissioner in Charge.

Cherokee Freedmen
D-474 et al.

Muskogee, Indian Territory, March 22, 1904.

Edgar Smith,

Attorney for Robert Rose et al.,

Vinita, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the record of proceedings had in the consolidated case of Robert Rose et al., together with a copy of the Commission's decision, dated March 11, 1904, rejecting the applications for the enrollment of Robert and James Rose, Jane, Chester, Frank, Bertha, Catherine, Curtis and Melvola Smith, Emily Holen, Jessie Rose, Pearl Smith, Matilda Smith, Mary Blackburn, Jeff Dickson, Charles Rose, James, Myrtle, Mable, Minnie, Walter J., Earnest and Pearl L. Solbert, Geneva Lynch, John Leary, Prue Lynch, William and Daisy Rose, Elvira Smith, Cora, Clarence, David, Charles and Helen Morris as Cherokee freedmen.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Register.
Enc. 1223.

Commissioner in Charge.

Churches Freedmen
D-474 et al.

Mustang, Indian Territory, March 22, 1904.

The Honorable

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the consolidated case of Robert Ross et al., including the Commission's decision, dated March 11, 1904, rejecting the applications for the enrollment of Robert and James Ross, Jane, Chester, Frank, Martha, Catherine, Curtis and Melvyn Smith, Emily Nelson, Jessie Ross, Pearl Smith, Matilda Smith, Mary Blackburn, Jeff Dickson, Charles Ross, James, Myrtle, Mahle, Minnie, Walter J., Ernestine and Pearl L. Colbert, Geneva Lynch, John Deane, Fred Lynch, William and Daisy Ross, Elvora Smith, Sara, Clarence, David, Charles and Helen Morris as Churches Freedmen.

Respectfully,

T. B. Needles.

Through the
Commissioner of Indian Affairs.

Commissioner in Charge.

Enc. D-22.

(0 0 2 1)

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,

WASHINGTON, October 22, 1904.

Refer in reply
to the following:

Land.

20122-1904.

71124-1904.

The Honorable,

The Secretary of the Interior.

Sir:

I enclose herewith, a report from the Commission to the Five Civilized Tribes, dated March 22, 1904, transmitting the record of the consolidated applications for enrollment as Cherokee freedmen by John J. Ross for his minor children, Robert and James Ross; by Charles C. Smith for his wife, Jane, and minor children, Chester, Frank, Martha, Catherine, Curtis and Melvin Smith; by Emily Wilson for herself and her minor child, Jessie Ross; by Pearl Smith for himself; by Estelle Smith for herself; by Mary Blackburn for herself and minor child, Jeff Blackman; by Charles Ross for himself; by James Gilbert for himself and minor children, Myrtle, Noble, Minnie, Walter J., Ernestine and Pearl E. Gilbert; by Rebecca Lynch for herself and her minor children, John Leoney and Ernie Lynch; by William Ross for himself; by William Ross for his minor child, Daisy Ross; by Elvira Smith for herself, and by Gera Morris for herself and minor children, Clarence, David, Charles and Helen Morris.

March 11, 1904, the Commission decided adversely to all the applicants.

The evidence shows that Jane Smith, Emily Helen, formerly Rose, and James Colbert are the adult children of Matilda Colbert (formerly Dannenberg), deceased; that they were the slaves of Cherokee citizens at the beginning of the war of the rebellion and that they went to Kansas during said war. It is shown by evidence on behalf of the applicants, that Jane Smith, Emily Helen and James Colbert returned to the Cherokee Nation with Harish Hayden after the war; that the Commission has decided that the said Harish Hayden did not return to and take up her residence in the Cherokee Nation until after 1873, which decision was approved by the Department on November 28, 1902 (I. T. D. 5903, 6243-1902).

It further appears that all the other applicants were born since 1866; that they are the descendants of, and claim right to enrollment through said Emily Helen, Jane Smith or James Colbert and have no other rights except as such descendants.

The older applicants are identified on the Kern-Clifton and Wallace rolls, but none is identified on the 1886 authenticated Cherokee roll.

A brief (72124-1904), has been filed in the applicant's behalf, and the same has been carefully considered.

In view of the record the approval of the Commission's decision adverse to the applicants is recommended.

Very respectfully,

A. C. Tenner

Acting Commissioner.

H.M.M.
V.

(5 2 1)

DEPARTMENT OF THE INTERIOR

U. S. D.
I. B.
J. B.

WASHINGTON, December 3, 1904.

D. C. 47302-1904.

I. I. D. 18782-1904.

SIR

Commissioner to the Five Civilized Tribes,

Washington, Indian Territory.

Gentlemen)

March 25, 1904, you transmitted the record in the consolidated Cherokee Freedmen case of Robert Ross, et al (D. C. 474 et al), including your decision of March 11, 1904, which was adverse to the applicants.

Reporting in the matter October 15, 1904, the Acting Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

Due consideration has been given to a brief filed by the attorney for the applicants in the case.

The Department concurs in the Acting Commissioner's recommendation, and your decision is hereby affirmed.

Respectfully,

(Signed) John Ryan

Acting Secretary.

1 inclosure.

COPY

Cherokee Freedmen
D-515.

Muskogee, Indian Territory, December 14, 1904.

Pearl Smith,

Lenapah, Indian Territory.

Dear Madam:

You are hereby advised that the Commission's decision dated March 11, 1904, rejecting, among others, the application for your enrollment as a Cherokee freedman, was affirmed by the Secretary of the Interior on December 3, 1904.

Respectfully,

SIGNED.

Tame Bixby.
Chairman.

COPY.

Cherokee Freedmen
B-474, et al.

Muskogee, Indian Territory, December 14, 1904.

Edgar Smith,

Attorney for Robert Rose, et al.,

Vinita, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated March 11, 1904, rejecting the applications for the enrollment of Robert, James, Jessie, Charles, William and Daisy Rose; Jane, Chester, Frank, Bertha, Catherine, Curtis, Melvina, Pearl, Matilda and Minora Smith; Emily Helen; Mary Blackburn; Jeff Wickson; James, Myrtle, Mable, Minnie, Walter J., Ernesteen and Pearl L. Colbert; Geneva and Fruz Lynch; John Lemney, and Cera, Clarence, David, Charles and Helen Morris, as Cherokee freedmen, was affirmed by the Secretary of the Interior on December 3, 1904.

Respectfully,

(SIGNED) *Tams Bixby.*
Chairman.

COPY.

Cherokee Freedmen
B-474, et al.

Muskogee, Indian Territory, November 14, 1904.

Hell, Hastings & Devanport,

Attorneys for the Cherokee Nation,

Vinita, Indian Territory.

Gentlemen:

You are hereby advised that the Commission's decision dated March 11, 1904, rejecting the applications for the enrollment of Robert, James, Jennie, Charles, William and Daisy Ross; Jane, Chester, Frank, Bertha, Catherine, Curtis, Mary, Pearl, Matilda and Minerva Smith; Emily Helen; Mary Blackburn; Jeff Dickson; James, Myrtle, Noble, Maggie, Walter J., Brinkman and Pearl L. Gilbert; Geneva and Fannie Lynch; John Leoney, and Cara, Clarence, David, Charles and Helen Morris, as Cherokee freedmen, was affirmed by the Secretary of the Interior on December 2, 1904.

Respectfully,

(SIGNED) *Tams Dixby.*
Chairman.

(COPY)

DEPARTMENT OF THE INTERIOR

OFFICE OF INDIAN AFFAIRS
WASHINGTON

Land.
25439-1906.

March 28, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to invite your attention to the enclosed letter of the 19th instant from William O. Beall, Acting Commissioner to the Five Civilized Tribes, wherein he says that his office is in receipt by Departmental reference of March 18, 1906 (I.T.D. 25439-1906), for report and recommendation thereon, of two letters from Jane Smith of Lemmah, Indian Territory, dated February 26, 1906, one addressed to the President, and the other to the Hon. Thomas Ryan, Assistant Secretary, concerning the status of the citizenship and allotment selections in the Cherokee Nation of Emily Nelson, Jane Smith and James Colbert.

In her letter Jane Smith says that, "People are filing on our lands, drilling and leasing to Oil Co., and the Lemmah Oil & Gas Co. are now operating an oil well on our lands," and that they have been to the Commission to the Five Civilized Tribes and the Indian Agent for protection. She asks to be advised if the persons named will be allowed to file contest on their land, and if it is "in your power to protect us or to stop this Lemmah Oil & Gas Co." She also

says that, "Our cases are yet pending and people are coming in and taking possession and going to work operating oil wells."

Reporting, Mr. Beall says that the records of the Commissioner's office show that applications were made to the Commission to the Five Civilized Tribes for the enrollment of Jane Smith and James Gilbert and Emily Nelson (Nolen) as Cherokee freedmen; that their applications were embraced in the consolidated applications for the enrollment as Cherokee freedmen of Robert Moss, et al., in which the Commission, on March 11, 1904, decided adversely to all the applicants; and that on December 3, 1904, the Commission's decision was duly affirmed by the Department.

He also says that the land which these persons claim is not described and he is therefore unable to report on its status. The records of his Office do not show that Jane Smith and Emily Nelson have ever applied for land as their allotments in the Cherokee Nation. The records of the Commissioner do show, however, that on December 24, 1904, before the Cherokee land office of the Commission was notified of the Departmental action in the case, James Gilbert appeared before that office and made application, with a view to instituting contest proceedings therefor, for the SW/4 of the NE/4 of the SW/4, and the W/2 of the NE/4 of the SW/4 of Section 16, Township 27 North, Range 15 East of the Indian Meridian, which land had theretofore been selected as a part of the allotment for Jennet Beales, and the E/2 of the NE/4 of the SW/4, same Section, Township and Range, which had theretofore been selected as a part of

the allotment for Peggie Sanders; on behalf of his minor child, Myrtle Colbert, Lot 3 of Section 18, Township 27 North, Range 15 East, and the NE/4 of the SE/4 of Section 18, Township 27 North, Range 14 East, which had theretofore been selected as a part of the allotment for Eliza Hatchiff; on behalf of his minor child, Nabel Colbert, the N/2 of the NE/4 of the SW/4, and the SE/4 of the NE/4 of the SW/4 of Section 18, Township 27 North, Range 15 East, theretofore selected as a part of the allotment of Jennet Bowles; The N/2 of the SE/4 of the SE/4 of Section 18, Township 27 North, Range 14 East, theretofore selected as a part of the allotment for Joe Waterdown, and the N/2 of the NW/4 of the SE/4, and the NW/4 of the NW/4 of the SE/4 of Section 18, Township 27 North, Range 15 East, theretofore selected as a part of the allotment for Geneva Wofford, and on behalf of his minor child, Winnie Colbert, the West 18.47 acres and the East 20 acres of Lot 3, Section 18, Township 27 North, Range 15 East, theretofore selected as a part of the allotment for Ella Hatchiff, and the SW/4 of the SE/4 of the SW/4, and the N/2 of the SE/4 of the SW/4 of Section 18, Township 27 North, Range 14 East, theretofore selected as a part of the allotment for Ahnawake Waterdown.

Mr. Beall adds that the records of the Commissioner further show that on January 16, 1906, the application made by James Colbert for the land above described was cancelled and the land regularly allotted to the respective parties named, and certificates therefor have been issued; that the records of the Commissioner's office fail to show that any action has been

filed for review or rehearing in these cases, and in the absence of anything to the contrary, it does not appear that Jane Smith, Emily Hulen or James Colbert have any claim to land in the Cherokee Nation.

In view of the report of the Acting Commissioner, I recommend that Jane Smith be advised that since she and the other persons in behalf of whom she writes are not recognized citizens of the Cherokee Nation, that they have no rights to Cherokee lands and cannot be protected in their occupancy of such lands.

Very respectfully,

C. F. Larrabee

Acting Commissioner.

HEH-Y.

7

DEPARTMENT OF THE INTERIOR,

WASHINGTON.

T.O.

F.H.

D.C. 1871-1904.
I.T.D. 2002-1904.
S194-1904.

April 4, 1904.

L.H.

The Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

The Department is in receipt of the Acting Commissioner's letter of March 19, 1904, relative to two letters from Jane Smith concerning the status of the citizenship and allotment selections in the Cherokee nation of Emily Nelson, Jane Smith and James Gallert.

On March 20, 1904, you were advised of the filing of a motion to reopen the Cherokee enrollment case of Robert Ross, et al, with which were consolidated the cases of the parties above mentioned, and you were directed to take proper action to protect the applicants in such rights as they might have.

You will immediately advise all the principal applicants that they are at liberty to file contest, under the rules governing your office in similar cases, to protect their rights to any lands they may claim they would be entitled to in case a decision by the Department is rendered in their favor in the pending citizenship case. Advise W. J. Sullivan, of Muskogee, the party who filed the motion to reopen, heretofore, and advise any adverse claimants, promptly, of the filing of any application to

contest, and also the U. S. Indian Agent, Union Agency, in order that he may be fully informed in the case of any matter coming before him involving the land.

A copy of Indian Office letter of March 28, 1906, submitting the Acting Commissioner's report, is inclosed.

Respectfully,

Thos. Ryan,

First Assistant Secretary.

1 inclosure.

Through the Commissioner
of Indian Affairs.

Cherokee
F R 836 et al.

Muskogee, Indian Territory, April 11, 1906.

Chief Clerk,

Cherokee Land Office.

Dear Sir:

There are inclosed herewith two copies of Departmental letter of April 4, 1906 (I.T.D. 2853-1905, 8194-1906), in reply to this office letter of March 19, 1906, relative to two letters from Jane Smith concerning the status of the citizenship and allotment selections in the Cherokee Nation of Emily Helen, James Smith, and James Colbert. The Department refers to its letter to this office of March 30, 1906, advising that a motion has been filed to reopen the Cherokee freedman case of Robert Rest, et al., and instructs this office to advise all of the principal applicants in said case that they are at liberty to file contest under the rules governing this office in similar cases, to protect whatever rights they may have to any land in the Cherokee Nation.

The Department also directs that W. J. Sullivan of Muskogee, Indian Territory, the party who filed said motion, be advised of the Department's instructions, and also to promptly advise any adverse claimants of the filing of any application to institute contest, and the U. S. Indian Agent, Union Agency, in order that he may be fully informed in the case of any sub-

Chief Clerk--2.

ter coming before him involving the land.

The principal applicants in each of the Cherokee freedmen cases included in the consolidated case of Robert Reese, et al., and W. J. Sullivan of Muskogee, Indian Territory, have this day been advised of the Department's letter and notified if any land in the Cherokee Nation which they have heretofore held as the prospective allotments of themselves and family, should they be enrolled as Cherokee citizens, and on which they have permanent and valuable improvements had been selected in allotment by other citizens of the Cherokee Nation, they will be permitted to appear before the offices of the Commissioner at the earliest practicable date and their applications to institute contest proceedings therefor will receive due consideration.

Respectfully,

Incl. GL-11.
GHL

Acting Commissioner.

Cherokee
P R 636 et al.

Muskogee, Indian Territory, April 11, 1906.

W. J. Sullivan,

Attorney for Robert Ross, et al.,

Muskogee, Indian Territory.

Dear Sir:

The Department in its letter to this office of April 4, 1906, referring to its letter of March 30, 1906, in reference to the motion to reopen the Cherokee freedman enrollment case of Robert Ross, et al., instructs as follows:

"You will immediately advise all the principal applicants that they are at liberty to file contest, under the rules governing your office in similar cases, to protect their rights to any lands they may claim they would be entitled to in case a decision by the Department is rendered in their favor in the pending citizenship case."

You are advised that the principal applicants in each of the cases included in the consolidated case of Robert Ross, et al., has this day been notified that if land in the Cherokee Nation, which he has heretofore claimed as the prospective allotments for himself and the members of his family and on which he has permanent and valuable improvements, has been selected in allotment by other citizens of the Cherokee Nation, he will be permitted to appear before the offices of the Commissioner at the earliest practicable date and his ap-

W. J. Sullivan--2,

plication to institute contest proceedings therefor will then receive due consideration.

For your information there is inclosed herewith a copy of Departmental letter referred to.

Respectfully,

Incl. OL-10.
Gru.

Acting Commissioner.

Cherokee
F R 648.

Muskogee, Indian Territory, April 11, 1906.

Pearl Smith,

Lenapah, Indian Territory.

Dear Madam:

In letter to this office of March 30, 1906, the Department advises that a motion had been filed to reopen the Cherokee freedman enrollment case of Robert Rose, et al., with which was consolidated your application for the enrollment of yourself as a Cherokee freedman. The Department in a letter of April 4, 1906, referring to said case, instructs this office as follows:

"You will immediately advise all the principal applicants that they are at liberty to file contest, under the rules governing your office in similar cases, to protect their rights to any lands they may claim they would be entitled to in case a decision by the Department is rendered in their favor in the pending citizenship case."

You are, therefore, hereby notified that if any land in the Cherokee Nation on which you have permanent and valuable improvements, and which you have heretofore held as your prospective allotment in the Cherokee nation in the event you were enrolled as a Cherokee freedman, has been selected in allotment by other citizens of the Cherokee Nation, you will be permitted to appear before the offices of the Commissioner at the

Pearl Smith--2.

earliest practicable date at which time your application to
institute contest proceedings therefor will receive due con-
sideration.

Respectfully,

GHL

Acting Commissioner.

Cherokee Freedmen
R 448

Muskogee, Indian Territory, February 6, 1907

W. J. Sullivan,

Attorney for Pearl Smith,

Muskogee, Indian Territory.

Dear Sir:

In reply to your verbal request you are advised the records of this office show that the application for the enrollment of Pearl Smith as a Cherokee Freedman was refused by the Secretary of the Interior December 2, 1906, and that a motion filed with the Department March 30, 1908, to reopen said case is still pending.

Respectfully,

L. M. B.

Commissioner

2 7.8 5/6
DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
JUN 5 1901



ACTING CHAIRMAN.

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date JUN 5 1901

Post Office Pennington, S.C.

District Doonesboro

1. Name Pearl Smith

Age 16

Owner's name

Citizenship

Year 1880

Page 1116

No. 3675

District

2000

Parents:

Father John R. Smith

Citizenship

Tested

Mother Jane

Citizenship

"

2. Name of wife

Age

Owner's name

Citizenship

Year

Page

No.

District

Parents:

Father

Citizenship

Mother

Citizenship

Names of Children:

Doubtful

| | | | | |
|-----|------|------|-----|-------|
| 3. | Year | Page | No. | Dist. |
| 4. | Year | Page | No. | Dist. |
| 5. | Year | Page | No. | Dist. |
| 6. | Year | Page | No. | Dist. |
| 7. | Year | Page | No. | Dist. |
| 8. | Year | Page | No. | Dist. |
| 9. | Year | Page | No. | Dist. |
| 10. | Year | Page | No. | Dist. |
| 11. | Year | Page | No. | Dist. |
| 12. | Year | Page | No. | Dist. |

Application made by

W. H. Green

Stenographer

W. H. Green

Not on Hallam roll B. 138 No 2897, Pearl Smith, 2000 Dist

Represented by Mellette & Smith, Agents, S.C.

7 ref to D 514 705 110 10 474

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

Mrs. Pearl Smith,

Lenapeh, I. T.

Cherokee-F-D-515.

Register.

TAMS BIXBY,

T. B. NEEDLES,

C. R. BRECKINRIDGE,

Commissioners.

Cher. Fr. R. 644

Trans. from Fr. D. 513

-Cher. Fr. R. 649

DEPARTMENT OF THE INTERIOR,
Commission to the Five Civilized Tribes,
Vinita, I. T. May 9, 1901.

In the matter of the application of Aaron Webber for enrollment as a Cherokee Freedman.

Aaron Webber, being duly sworn and examined by Commissioner Needles, testified as follows:

- Q What is your name? A Aaron Webber.
- Q How old are you? A 36 I think.
- Q What is your post office address? A Wyner, Cherokee Nation.
- Q What district do you live in? A Cooweescoowee district.
- Q Do you apply to be enrolled as a Cherokee Freedman? A Yes, sir.
- Q Do you want to enroll anybody besides yourself? A Just myself.
- Q Have you ever applied to be enrolled by any other tribe or Nation besides the Cherokee Nation? A Yes, sir, the Clifton Court and the Wallace Court.
- Q The you apply to any other Nation, the Creeks? A No, sir.
- Q Never drew any money from any other Nation? A No, sir, I didn't.
- Q Have you been recognized by the Cherokee authorities as a Cherokee citizen? A Yes, sir.
- Q Is your name on the roll of 1880? A It is on this roll here Mr. Bledsoe has got here; I mean come with my brother Sam Webber.
- Q Is your name on the roll of 1880? A No, sir.
- Q Did you ever draw your strip payment money? A Yes, sir.
- Q How much did you draw? A \$15.50, and then I drew this other payment, this last payment, I drew it.
- Q You drew the last payment? A Yes, sir.
- The 1880 authenticated roll of Cherokee Freedmen examined and the applicant not identified thereon.
- The 1896 census roll of Cherokee Freedmen examined and the applicant not identified thereon.
- The Burns-Clifton roll examined, and the applicant identified thereon, page 126, No. 315, Cooweescoowee district.
- Q Were you a slave before the war? A Yes, sir.
- Q Who did you belong to? A Takie Webber.
- Q Was she a Cherokee citizen? A Yes, sir.
- Q Where did you go during the war? A Went to Kansas.
- Q When did you come back from Kansas? A Came back in 1866.
- Q You been living here ever since? A Yes, sir.
- Q Are you married? A No, sir.
- Q Ever been married? A No, sir.
- Q Got no children then? A No, sir, I haven't.
- Q You are certain you came back in 1866? A Yes, sir, I did.
- Q Who did you come back with? A Sam Webber and my father.
- Q Why is your name not on the roll of 1880? A Why I can't tell you about that.
- Q Did you ever try to have it put on? A Yes, sir.
- Q They refused to do it? A Yes, sir, must have, for it aint there.
- Mr. W. W. Hastings, attorney for Cherokee Nation: You say you returned with your brother Sam? A Yes, sir, I did.
- Q Did you come the first time he came out here? A Yes, sir, I did.
- Q What time of the year was it? A '66.
- Q That time in the year '66? A Well you see I can't read and I can't write, I didn't keep no count of the days and the months because my owner's didn't give me time to get my education.
- Commissioner: Was it in the fall or summer? A It was along in March when I came back in 1866.
- Mr. Hastings: Was it the March after the treaty was made? A Yes, sir.
- Q You are certain of that? A Yes, sir, I am.
- Q And you came back with him at that time? A Yes, sir.
- Q Did he bring his family along then? A Yes, sir.
- Q His wife and children? A Yes, sir.
- Q He had already been out there and put up a house? A Yes, sir, I had come out before that and I come with him, and we put up a house and I came back with him in '66.

Q The first time you came back was in March after the treaty was made? A Yes, sir, that is when we moved there.

Q How long before that was it when you came out? A I can't give the days of the months, how long it was we came out, but we came and put up a house over Fall and went back and came right on down.

Q About how long did you stay out here when you had put up the building? A We stayed three or four days and then went right back and moved down.

Q What kind of buildings did you put up? A We put up a log cabin.

Q Out on Big Creek? A Yes, sir.

Q How far from where Sam now lives? A Sam lives on the north side of Nowata and we live up there on Big Creek, I can't tell you exactly how many miles, but he lives at Nowata and we live up there on Big Creek.

Q What old citizen lives near where you first located, where you first located when you first moved out? A There isn't anybody lives there now.

Q Name some old citizen who lives at the place now where you located then? A Sam Webber.

Q Does Sam Webber live at that place now? A He did live there but he don't live there now.

Q Who lives at the place Sam and you came to? A The Meigs and Whitmires and Sanders, and a whole lot of them.

Q You have lived there ever since? A Yes, sir.

Q You came out in wagons the first time? A Yes, sir, because Sam Webber drove the ox wagon and I drove the horse wagon.

Q Do you know anything about dates? A I know when they say the year is out, and this year is in.

Q What year is this? A If I am not mistaken I think this is May.

Q The year though? A I can't tell you exactly what year it is, because I am not educated like you smart men.

Q You are satisfied in '66 you came here in March? A Yes, sir.

Commissioner: Do you know when the treaty was adopted, know what month it was adopted in, the treaty you told Mr. Hastings you came here the March after the treaty was adopted; you don't know what month in 1866 the treaty was adopted? A No, sir, I don't.

Q Have you got any witnesses? A Yes, sir, Sam Webber, and Abe Hare.

Sam Webber, being duly sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A Sam Webber.

Q What is your age? A About 58, somewhere near about that.

Q What is your post office address? A Nowata.

Q Are you a recognized citizen of the Cherokee Nation? A Yes, sir.

Q Your name on the 1880 roll? A Yes, sir.

Q Do you know Aaron Webber? A Yes, sir.

Q Is he any relation to you? A He is my brother.

Q Was he a slave? A Yes, sir.

Q To whom did he belong? A Takie Webber.

Q Was she a Cherokee citizen? A Yes, sir.

Q By blood? A Yes, sir.

Q Where was he during the war? A He was with us in Kansas.

Q When did he come back? A He came with us when we came back in July.

Q You came in in July from Kansas and he came with you? A Yes, sir.

Q What year was that in? A In 1865.

Q He was a slave the same as you? A Yes, sir, same as me, with the same owners.

Q Ought to be entitled to the same rights you have got? A Yes, sir, have just the same right, belonged to the same parties too.

Mr. Hastings: Q What time of the year was it you say you brought him back? A We came in July and built houses and went back and moved down.

Q You had heard of the treaty passed? A We came right in the same month the treaty was made in because we overtook the delegates

at Fort Scott.

Q You had heard of the treaty before you left there? A As soon as we arrived at Fort Scott and talked to them, and they told us they had made a good treaty.

Q And you came on down and he came with you? A Yes, sir.

Q Did you bring your families at that time? A I didn't have any family then.

Q The rest of the people, they come along? A Yes, sir, I was small myself, I was with father, we came and built and went and moved some of them after that.

Q How long did you stay down there at this time? A I didn't stay long, I couldn't tell you just how long we really stayed, we didn't stay only long enough to find claims and cut logs and build shanties.

Q Who lives up there at the place that you located, now? A Reuben Sanders lives right where I built my house, he is living there to-day.

Mr. Bell: Where did you start from when you started from Kansas down to Big Creek? A Started from a little creek six miles south of Mound, said to be about twenty miles north of Fort Scott.

Q Had you started to the Cherokee Nation when you came across these delegates at Fort Scott? A Yes, sir.

Q What was your notion about starting? A I had been down here and looked through the country and went back and told them the war was over here as well as everywhere else, and let's come home.

Q You hadn't started then with a view to saving your rights here under the treaty? A We didn't know nothing about the treaty, it wasn't made when we started as we knowed of, until we got to Fort Scott, and we saw the delegates.

Q What time was that? A Along in the last part of July, the last week in July, as near as I can remember.

Commissioner: When Aaron says he came in March he is mistaken? A He is mistaken, he don't know dates; he is not bright enough to know dates.

Abraham Hare, being duly sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A Abraham Hare.

Q How old are you? A About 70.

Q What is your post office? A Fymer.

Q Are you a Cherokee Freedman? A Yes, sir, claim to be.

Q Your name is not on the roll of 1880, is it? A No, sir.

Q Were you a slave? A Yes, sir.

Q What was your owner's name? A Arlie Hare.

Q Do you know Aaron Webber? A Yes, sir.

Q Was he a slave? A Yes, sir.

Q To whom did he belong? A Takie Webber.

Q Well, did you know Aaron Webber before the war? A Yes, sir.

Q Did he go out of the Cherokee Nation during the war? A Yes, sir.

Q Did you go out? A Yes, sir.

Q What made you colored people go out during the war? A We couldn't stay here.

Q Thought it was safer to go out? A Yes, sir, I had to go out.

Q Why couldn't you stay here? A They wouldn't let us.

Q Who wouldn't let you? A The Rebels and the Yankees neither one.

Q Where was Aaron Webber during the war? A He was with his father up in Kansas.

Q When did he come back? A He come back in the fall of '66.

Q How do you know? A I come with him.

Q And you came at that time? A Yes, sir.

Q Have you known Aaron Webber since that time? A Yes, sir.

Q Has he always lived in the Cherokee Nation? A Yes, sir, lives right by me now.

Mr. Hastings: Your rights are disputed? A Yes, sir, same as his.

Q You were in here this morning; your case was presented?

A Yes, sir.

Commissioner: Aaron Webber applies for the enrollment of himself as a Cherokee Freedman. His name does not appear upon the authenticated roll of 1880, but does appear upon the Kerns-Clifton payroll. By reason of the protest of the Cherokee Nation the name of Aaron Webber will be placed upon a doubtful card awaiting further consideration at the Commission.

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C. Jones.

Sworn to and subscribed before me this the 10th of May, 1901.

C. R. Breckinridge,

..... Commissioner.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T., October, 29th, 1901.

SUPPLEMENTAL TESTIMONY in the matter of the Application of Joe Ross
C. F. D. 350.

Appearances:

W. W. Hastings for the Cherokee Nation.
Mellette & Smith for the applicants:

DOUGLAS WALKER, being first duly sworn by Commissioner C. R. Breckinridge, testified as follows for the Cherokee Nation.
(By the Commission)

- Q Give me your full name? A Douglas Walker.
Q How old are you? A 20.
Q What is your post office? A Mound City, Kansas.

(By Hastings)

- Q How long have you lived in Mound City, Kansas? A Since May 1857.
- Q What was your father's name? A James Walker.
- Q What was your mother's name? A Miama Walker.
- Q Was your father and mother here the first of the month? A Yes sir.
- Q They testified in this matter at that time did they? A Yes sir.
- Q Do you know Samuel Webber? A Yes sir.
- Q Did you know his son Samuel Webber? A Yes sir.
- Q Where did you know them? A Near Mound City, Kansas; in the neighborhood where I live.
- Q Do you know the applicant here? Joe Ross? A I knew him as Joe Webber.
- Q Is the the same fellow? (pointing) A Yes sir.
- Q Where was he living at the time? A He lived with the older Sam Webber at the time.
- Q You know this applicant here is the same party? A Yes sir.
- Q Did you know a woman named Chlora? A Yes sir.
- Q What relation was she to Joe Ross? A Sister.
- Q Did you know Aaron Webber a little duck legged fellow? A Yes sir.
- Q Where did you know him? A In the same family in Mound City, Kansas, Linn County.
- Q Whose farm did Samuel Webber live on, if you know? A He lived on a farm that belonged to a man named Jeff Flemmings.
- Q I mean in the year 1866? A My father bought the farm.
- Q Of whom did he purchase the farm? A Of Flemmings.
- Q Do you know where young Sam Webber was married? A He was married there in Linn County, near Mound City, in the neighborhood there, where I was living.
- Q Did he marry before or after he moved from that country? A Before he moved.
- Q Mr. Walker, have you looked up the date of when your father purchased that farm? A Yes sir.
- Q The date of the deed? A Yes sir.
- Q What was that date? A The date of the deed is October '66.
- (By Mr. Smith) Object to that if you have not the deed.
- (By Mr. Hastings) Have you looked up the date? A Yes sir, but have forgotten the exact date as to days.
- Q At that time, where was Sam Webber living? A On this farm that father purchased.
- Q Where was young Sam living at the time he married? A On this farm on the same place.
- Q What is your best judgment as to the time Sam Webber, including Joe Ross, Chlora Grayson and Aaron Webber left that country with their women folks and come to this country? A According to my best recollection it was the latter part of February or early in March of '67, I can't state exactly the month; early in the spring of '67 though.
- Q Did they all move down at the same time? A All started together.
- Q Left there together? A Yes sir.
- (By Mr. Smith)
- Q You say you know that this applicant in this case is the same man that you knew at that time in Kansas as Joe Webber? A Yes sir.
- Q How did you know it? A I recognized his countenance as one man knows another.
- Q How? A Well I saw him.
- Q When? A Today.
- Q Where? A On the street.
- Q And you knew him as Joe Webber? A Yes sir, the name Joe Ross was not used much.
- Q When did you first become acquainted with old man Sam Webber? A In '63 he moved on that farm.
- Q Which farm? A The farm my father bought in the neighborhood where I lived, the old Flemming farm.
- Q When did your father buy that farm? A In the fall of '66, I have forgotten the exact day, in October or September.

Q Who owned the farm at the time old man Sam Webber was on it? A Jeff Flemming owned it until my father bought it.

Q How do you know it was '63 that you became acquainted with Sam Webber? A I remember that it was during the last years of the war and the refugees were coming into Kansas, both white and black, in '63 and they were amongst them.

Q Did any come after '63? A Yes sir some came later and some some earlier, and I remember again by this farm, I remember how long they farmed it before we got it.

Q How long? A Three years-four years in the spring of '67.

Q They farmed it four years before your father got it? A They farmed from '63 to '67.

Q You say the reason you know that you knew this man in '63 was because you know how long they worked this farm before your father got it? A Yes sir.

Q You say it was in September of 1867 that your father bought that farm? A In '66.

Q You are positive about that? A Yes sir we got possession the first of March '67.

Q Did old man Sam Webber rent this place from your father? A No sir he rented it from Flemming.

Q Did Sam Webber, the old man and the boys, come down here or leave that country in the fall of '65? A I think not.

Q Don't you remember that they did and that the old man came back by himself one time? A If my memory serves me, it was in '66, late in the summer, or early in the fall of '66.

Q What was it the fall of '65? A That they came down here--started away from there.

Q Who came then? A Sam Webber, the old man, and young Sam and Aaron.

Q What is your recollection as to how long they stayed? A They came back I think in November or late in October.

Q Well, which came back first? A Oh I think the older Sam Webber came first.

Q How long do you think it was before you saw Sam Webber Jr. again? A Well, it was a short time, a month or so--I can't recollect that, it is a good while ago.

Q Who helped Sam Webber make a crop in '66? A Johnson Webber and the old man Sam made a crop in '66.

Q Who helped him? A Then two and the little boys I think worked too; Aaron did, I don't know but we too did too, I don't remember much about that.

Q Where was old man Sam Webber in July 1866? A That summer he raised that crop and worked part of the summer for my father on this farm.

Q Is it not a fact that in July of 1866 that Sam Webber Jr. came here for his father and that they left there for this country to build some houses? A That is not the way I remember it.

Q You have stated that it was a long time ago, do you think that you remember the date absolutely? A Not to the day or month exactly, but that is my best recollection.

Q Are you testifying to the best of your recollection? A Yes sir.

Q Do you remember of Sam Webber Jr. bringing any hides to that country? A Yes sir.

Q When was that? A In the fall or beginning of the winter of '66 and '77 he brought some hides and furs.

Q To refresh your memory, was it not in March? A March when?

Q '66? A No sir.

Q Upon what trip was that that he brought those hides? A He left and said he was coming down on a hunting trip.

Q Was that the trip when he left Kansas and when old Sam returned first that you spoke of a while ago? A Yes sir, that was the one, the same trip.

Q Do you remember of Sam Webber selling out a crop up here? A I don't.

Q Do you remember of them leaving there to come to the Territory to build some houses? A Yes sir.

- Q Was that after the time that he brought the hides there? A It was that trip that he left there for the purpose of building some houses that he brought the hides when he returned.
- Q Dont you remember of them leaving there to come to the Territory for the purpose of building houses? A Well that was wither in the spring or winter, in the latter part of February or early in March I have not given the matter any considerable study.
- Q How do you fix the dates you have given? A I remember them and then by the dates I have looked up.
- Q What dates have you looked up? A The purchasing of this land.
- Q Are you testifying from the date of the purchase of that land? A Father bought the place in the spring of '66 on condition and paid \$80 down, or traded cattle, as a forfeit, and in the fall he got some money and got full possession of the place; Webber had possession until the first of March, that is the Kansas law, from the first of March one year until the first of March the next year; they had possession of it until March first 1867.
- Q Mr. Walker, when you had occasion to investigate this matter, you had forgotten all about it practically hadn't you? A No sir, but it was something I had not thought much of.
- Q You couldn't have told on the moment what year Sam Webber left there could you? A I would have had to look at the dates.
- Q Then you are not testifying from your recollection, but from the dates that you have looked up since? A Part of it is from recollection and part of it is from looking up the dates.
- Q How long has it been since you thought of the time Sam Webber left that country before you made this investigation? A I was asked the question as to when they moved and I hadn't given the matter any thought till then.
- Q You didn't know then did you? A Yes sir after I thought it over.
- Q How long did it take you to think it over? A I dont exactly remember.
- Q Can't you give us some idea of it? A 2 or 3 weeks.
- Q Were you here when your father testified in this case? A Yes sir
- Q Did you know as much about it then as you do now? A No sir.
- Q How long was that from the time you had first been spoke to about the date? A I had not expected then to give testimony in this case and had not thought much about it.
- Q What were you doing here then? A I was subpoenaed in another case.
- Q You had been talking about this case then? A Not much.
- Q How much? A A word or two.
- Q And you were here all the time your father and mother were her and yet didn't testify in this case? A Yes sir.
- Q You went back to Kansas? A Yes sir.
- Q And came back here again to testify? A Yes sir.
- (By Hastings)
- Q You were subpoenaed by the Cherokee Nation? A Yes sir.
- (Continued by Stenographer J. O. Rosson)

Chas. von Weise, being sworn states that as stenographer to the Commission to the Five Tribes, he reported in full the above cause and that the foregoing is a true and complete transcript of his stenographic notes therein.

Chas. von Weise.

Subscribed and sworn to before me this the 9th of November, 1901.

T. B. Needles,

Commissioner.

The undersigned, being first duly sworn, deposes that he stands as a member
to the Commission to the Five Civilized Tribes he made the foregoing
copy and that the same is a true and complete copy of the original.

Ray Palmer

Subscribed and sworn to before me this 14th day of August, 1904.

Wm. E. Jones
Notary Public

Before Commissioner Breckinridge, at Tallahassee, Fla., Dec. 1880, J. O. Ross.

(By Stenographer: This following testimony was originally taken down by stenographer J. O. Ross, and afterwards dictated by him to stenographer M. D. Green.)

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HENRY E. SHORT, being sworn and examined by Commissioner Breckinridge, testified as follows:

- Q Give me your full name? A Henry E. Short.
- Q How old are you, Mr. Short? A 48.
- Q What is your post office? A Mound City.
- Q In the Cherokee Nation? A In Kansas.
- BY MR. HASTINGS:
- Q How long, Mr. Short, have you lived in and about Mound City, Kansas? A Well ever since the spring of 1857.
- Q What was your father's name? A John Short.
- Q Were you living there in the years '66 and '67? A Yes sir.
- Q Were you living in town or in the country? A Living in the country.
- Q Do you know Douglass Walker that left the stand? A Yes sir.
- Q Did you know a colored man by the name of Sam Webber up there? A Yes sir.
- Q Do you know that young Sam Webber, his son? A Yes sir.
- Q Do you know Joe Ross? A Yes sir.
- Q This is the man there? (Pointing to the applicant.) A I wouldn't have known him unless he had been pointed to me. They always called him Joe; I don't remember about him being called Joe Ross up there.
- Q Have you talked to him? A Just spoke to him.
- Q Did he recognize you as being the man? A He recognized me as being Short by telling him who I was and where I was from; he claimed that he was one of the boys.
- Q Do you know Aaron Webber, a little duck legged fellow? A Yes sir.
- Q Where did you live in the spring of '66? A In Linn County, on Elk Creek, in Kansas.
- Q Did you live on the same place in the fall of '66? A Yes sir.
- Q Did you live in the same house? A I lived in the same house now that I moved into in the fall of '66.
- Q Well now what time in the fall did you move into it? A Well now it was the last of October or the first of November, I won't say which; along about in them times I moved, that is my folks moved; of course I was small, I moved there after that from the west part of the place to the east part of the place.
- Q Do you know where Sam Webber was at that time? A They lived then at that time in the fall of '66 they lived on the place known as the Fleming place, adjoining farms of ours.
- Q Were they living there when you moved? A That fall?
- Q Yes sir? A They were living there then.
- Q I will ask you what is your best judgment as to the time they moved with their families and left that country? A Well I could not say just how, for I have got nothing to fix them dates. The best of my judgment they left there in February.
- Q February now or what year? A Of '67, I would say that, but now I aint certain, I aint got no opinion about what time they left.
- MR. SMITH: Now I move to strike out the testimony to that effect, because the witness says that is his opinion.
- Commissioner: We will take it for what it is worth and let the Commission pass on it.
- BY MR. HASTINGS:
- Q That is your best judgment? A Yes, sir.
- Q That is your best recollection? A (No response.)

Q You said I believe you know they were there in the fall? A Yes, that is all I can state positively, I don't know how long they were there.

Q You know that by your move? A Yes sir, that is the one thing I have got you know.

Q Do you know Joe's sister, Chelara? A Yes sir, there was a girl there called Chelara, I supposed it was Joe's sister.

BY MR. SMITH:

Q Mr. Short, how old were you in '65? A About 15 years old, September 6, 1866.

Q How when were you first asked as to the time when Sam Webber left that country? A When was I asked first?

Q Yes? A I think it was last Sunday.

Q Well you didn't know did you? A No, I don't know yet what day he left there at all.

Q Did you have that opinion then? A Yes, I have the same opinion I got now; it was the best of my opinion they left in the spring; I got nothing to say they did or did not.

Q Where was Sam Webber, Jr., in February 1866? A I don't know.

Q Where was he in October, 1866? A He was on the creek.

Q Did you see him? A Yes, he was there; he hadn't moved; he come down here and went back again in the fall; and the whole family was all there in the fall.

Q That was in the fall of 1866 was it? A Fall of 1866.

Q I am talking about 1865? A Well they was there too.

Q Did you see him? A Yes, of course they was there.

Of course, well how do you know, did you see him? A Yes I saw him.

Q Where did you see Sam Webber in the fall of 1865? A Oh I don't know; he worked some for us.

Q Did he work for you in the fall of 1865? A Worked for my grandfather some.

Q That young Sam Webber? A Yes, sir.

Q You say you knew young Sam Webber, the younger of the two?

A Yes, sir, I knowed young Sam and old Sam too.

Q Did you know young Sam Webber, called Sam Webber, Jr? A Yes sir, of course it has been a long time from the time I saw him, from the time he left there until I come down here; saw him the first time as soon as I moved there.

Q What did you say about his being a boy? A I suppose he was a young man, I couldn't say as to that.

Q What about Joe Ross, was he a boy? A Yes sir, Joe was younger than me if I am not mistaken. Wasn't much difference in the ages, but I think he was younger than me.

Q Now is it not a fact that Sam Webber and his father old Sam Webber and Aaron Webber came to the Cherokee Nation in the fall of 1865?

A I think not, I don't think they did; they was there in 1866 but they was going and coming all the time; they come down in 1866 and located.

Q They came in 1866 and located? A Yes sir, but they come back and got their family.

Q Now you know only that they were there in 1865? A I know they were there in '66.

Q You don't know what time in '66 they were there? A They were there before '66.

Q Well I am talking about '66; were they there in the spring of '65? A I couldn't say what time of the year; I think they were there all the time.

Q You don't know whether they were there all the time in 1865 or not? A No sir, I couldn't say that they was.

Q Do you remember Sam Webber Sr. and Sam Webber Jr. and Aaron Webber coming down to the Cherokee Nation at any time? A They come in the summer of '66 I think, directly after crops was made;

they come down here and they went back up there together in the fall.

[illegible]

... account of a ... I don't remember ...

3. And now that I feel sorry when they took off

Q Now that you have not seen anything about that? A I don't know.

There was one father who had the father of 1960 and 68, the

Walk do you know? * * * * *

...the quality state that motivates ...

... ..

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED
DATE 08-07-2001 BY 60322 UCBAW

At 10:00 PM, the death of the victim was reported to the police. The victim was found in a rooming house at 1000 N. 1st St. in the city of Chicago. The victim was a male, white, 5'10", 170 lbs, with brown hair and blue eyes. He was wearing a white shirt and dark pants. The victim was found with a gunshot wound to the chest. The police arrived at the scene at 10:15 PM. The victim was pronounced dead at the scene. The police are currently investigating the case.

He is now, have been from the United States and did not go to the
the one house, but he did not move in his house as

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1. The first question is whether the evidence is sufficient to establish that the defendant was in the area of the crime at the time it was committed. The evidence in this case is circumstantial, but it is sufficient to establish that the defendant was in the area of the crime at the time it was committed.

1. The following information was obtained from the records of the
2. Bureau of the Federal Bureau of Investigation, Department of Justice, dated
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Q Give me your name, Madam? A Mary A. Hicks is the way I sign my name.

Q How old are you? A If I live to the 21st of next month I will be 67 years old.

Q What is your post-office? A Mantey.

Q Is that in Kansas? A Yes sir.

BY MR. HASTINGS:

Q How far do you live from Mound City, Kansas, Mrs. Hicks? A I live six miles.

Q How long have you lived in that neighborhood? A Ever since the spring of 1857.

Q You were living there then after the war? A Living there in the time of the war.

Q Do you know Mr. Walker, Douglass Walker, that has been on the stand? A Yes sir.

Q Do you know Mr. Short that left the stand here? A Yes sir.

Q Now, Hicks, did you know of a man up there by the name of Sam Webber? A Yes sir.

Q How far did you live from him just after the war? A Well I think it was about 175 steps; they used water out of my well.

Q Did you know his son, young Sam Webber? A Yes sir.

Q Well did you know a little short one called Aaron Webber? A Yes sir.

Q Did you know a boy called Joe Ross? A Yes sir.

Q Have you seen any of these parties since you have been here this time? A Why I met Joe Ross down there; he said he knew me and come up and shook hands with me and I saw Sam Webber.

Q I will ask you to look if this is the same parties now? A Well I tell you Ross don't favor himself so much, but Joe he is just like his father and I knowed him because he is just like his father; well I suppose Sam was older than Sam is of course.

Q I will ask you if you had any deaths in your own family in the fall of '66? A Yes sir.

Q What was the date of it? A The date of the death?

Q Yes, madam? A Well it was October.

Q Did you make any record of it in your Bible? A Yes sir.

Q Is this your Bible? A I reckon it is; if you will let me look I will tell you.

Q Look at it and see if this is your Bible? A I think it is, but I can't read it, I haven't got my specs.

Q You haven't got your specs? A No sir.

Q Well of the family record here of births and deaths appear this: "Franklin Hicks, was born November 7, 1864." A Yes sir,

Q And under the column of deaths appears: "Died October 23, 1866".? A That is correct.

Q Who was Franklin Hicks? A He was my son.

Q Do you know where Sam Webber was when your son Franklin died? A No sir, I could not tell you.

Q Don't know? A No I don't; you mean this Sam?

Q That man? A Oh, the old gentleman; he lived up there by me I think, I am most positively he lived there then.

Q Do you know where his wife was? A His wife died there.

Q Well do you know whether she was dead at the date of your son's death? A Yes sir, she died I think before he died; there was an old lady, they called her old aunt Rhoda, living.

Q She was living? A Yes sir.

Q Was she a member of this family? A Yes sir, she lived there with them.

Q Well do you know whether she was there during the sickness of your child? A Yes sir; she sat up with me several times, and if it was a bad night and she saw no one come in she would come and sit up with me.

Q Did you know a sister of Joe's called Chlora? A Yes sir.

Q Now I would like to have your best judgment Mrs. Hicks as to the time Old Sam Webber moved with his family and children from that country? A .

MR. SMITH: The applicant objects to the witness giving her opinion as to the time when this sickness took place, because it is not the subject of their expert or opinion evidence.

COMMISSIONER: I understand the question to be her best recollection.

A It has been a long time you know.

Q Well, answer the question. I asked him being there?

Q I want to know, the question is, what is your best recollection as to the time Sam Webber and his family, when he left Kansas with his family?

OBJECTION to be applicant.

A Well my best recollection was that, I would not be positive of course, but I think it was in February or March, one or the other. The best of my recollection, because the old lady, old Aunt Rhoda and uncle Cy, that was her husband, they both was old and feeble and I think old uncle Sam stayed there on that occasion more than anything as long as he did.

Q Well now that would be February of what year? A It would be '67 wouldn't it?

Q You lived there about 175 years or there? A Yes sir, I could hear them sing over there and hear them laugh and talk to my house.

Q On whose place were they living? A Well they was living on Mr. Walker's place then.

Q Had he recently purchased it? A Yes sir.

Q Do you remember who he purchased it of? A I think it was a man by the name of Fleming; I think it was Fleming bought it.

BY MR. SMITH:

Q About how long Mrs. Hicks and Mr. Walker owned this place at the time these people lived there? A Well I couldn't answer that question.

Q Well you could tell whether it had been a few months or whether it had been a year or two? A It was, I suppose it may be quite a while I couldn't tell you.

Q You remember that Mr. Walker owned a place there? A Of course I know he had charge of the land; I think Mr. Walker bought it from Mr. Fleming if I ain't mistaken.

Q And you know these Webbers were living on the Walker place?

A Yes sir.

Q Well now what is your best recollection as to how long Mr. Walker had owned that place? A I don't know; I won't pretend to say anything I don't know; I don't want to meddle with, I didn't come down here to criticize or anything about it; I want to tell the truth as far as I can.

Q Where was young Sam Webber in December, 1865, and up until January or February of 1867? A I could not tell you where he was, I think Sam worked out some around; I couldn't tell you whether he was at home all the time or not; I could not tell you.

Q Where was young Sam Webber at the time your child died? A I couldn't tell you that; This one?

Q Yes? A I don't know.

Q He was not there was he? A I don't know, I couldn't say as to that.

Q Do you remember old man Sam Webber and young Sam Webber and Andy Webber and others leaving Aaron Webber and others leaving that community in 1866 and coming down to the Cherokee Nation? A I recollect only Sam coming down here; I don't know, I won't be positive, I guess though it was in '66.

Q Well about how long was it ago, your best recollection, before this date in the fall that you have spoken of? A I don't know.

Q Don't know? A No I don't know, but I recollect about it, he brought me back spice wood and pecan tree roots.

Q Do you remember young Sam bringing Sam Hicks to the community?

A No sir, I didn't connect my mind with anything like that.

Joe. 1000-1000-1000

- Q Will now give us your story, Mrs. Frank, about the time old man
San Vetter started off on his trip to the Cherokee Nation in 1886
that you testified about? A Yes, I don't know; he came in the fall
I reckon.
- Q You don't know whether it was fall, summer or spring? A No sir,
I don't.
- Q Well now is it you have no better recollection of this very time
that you mention he came than you have of the first time? A I know
he was there when that child of mine died.
- Q And you don't know how long after that? A No; they went along the
lower part of the winter, but I don't know what time; I think though
it was in February or March.
- Q You couldn't be positive whether it was February or after Christ-
mas could you? A I don't think it was before Christmas.
- Q You don't think that was? A No I don't, for several facts.
- Q You can't state positively whether it was before or after Christ-
mas, you can't swear to? A I wouldn't want to swear it either way.
- Q Where did you move from to this place that you lived? A Where did
I move from?
- Q How long have you been living at this place now where you lived
when your child died? A I have been living on this place ever since
the spring of '87.
- Q About how long did you remain on the place? A I stay there yet,
when I am at home; my husband is dead.
- Q Do you know how many times San Vetter rode to the Cherokee Nation
before this time that he came here from there the last time? A No
sir, I can't.
- Q You know of his coming one time? A I know him and his father and
I know Aaron, and I don't know whether he was along or not.
- Q Well is this Joe? A Vetter or house, on that one, Joe Vetter that
one sitting there?
- Q Yes? A I think it is.
- Q Which one of these don't look familiar? A That one, he was noth-
ing but a boy when I knew him.
- Q Which one, the right one here, the black one? A Yes sir.
- Q What is his name? A Joe or always called him.
- Q And what is this one right here? A Sam, that is the way he al-
ways called him.
- Q You think that is the man you know up there in Kansas? A This
Joe? A I don't know, he says he is Joe, he was nothing but a boy when I
saw him.
- Q Your don't recognize him there? A Earlier, I wouldn't know; he
says he is the man; I used to think he was a very good boy when they
lived there, but then he has proved out of my knowledge.
- Q You don't know where the old man San Vetter was in July '86 do you?
- A No sir.
- Q You remember anything about young San Vetter coming for the old
man and the family in July 1887? A Well he might have come after
them but they didn't come down here in July.
- Q You don't know when they came? A No I think they came
some time in the latter part of the winter, but I say I would not
be certain what month it was, of February or March.
- Q The winter is certain to be the latter of them? A I say they left,
I was there and saw them go.
- Q You would be certain it was either February or March? A I think
they did.
- Q You think so? A Yes sir.
- BY MR. FRANK:
- Q I was with you when you saw young San Vetter marry
Mary? A Yes, I was there; I didn't see it down.
- Q Did you hear of his going to Kansas? A Yes sir.
- Q Was that before or after he left? A It was before they left.

THE SPEARS, being sworn and examined by Commissioner
Brockage, testified as follows:

- Q Give me your full name? A Jane Spears.
Q How old are you? A I am 46 years old.
Q What is your post office? A Mound City.
Q In the State of Kansas? A Yes sir, Mound City, Kansas.
BY MR. HASTINGS:
Q Mrs. Spears, was Mrs. Hicks who left the stand your mother?
A Yes sir.
Q How long have you lived in and about Mound City, Kansas, I mean in the neighborhood? A Well I came there when I was about a year old.
Q And you have lived there ever since? A Yes sir, well since I have been married I have just moved one mile north.
Q You moved a mile north of your mother? A Yes sir.
Q Do you know Douglass Walker? A Yes sir.
Q Do you know Henry C. Short? A Yes sir.
Q Do you remember at an early date just before the war some colored people that lived up there; one of them by the name of Sam Webber?
A Yes sir.
Q Do you remember his son Sam? A Yes sir, I know him.
Q Were you living with your mother at that time? A Yes sir.
Q Did you know Joe, that was living with them, Joe Ross? A Yes sir.
Q Have you seen any of these parties since you have been here this time? A I met them to-day.
Q Talked with them some? A Well I just spoke to Joe; Sam I did not.
Q Did he recognize you? A Well he let on as though he did; I don't know that he did; I suppose he heard we were here.
Q I will ask you if this is your mother's family Bible? A Yes sir.
Q That is the family record of the births and deaths? A Yes sir.
Q I will ask you if you had a brother by the name of Franklin Hicks?
A Yes sir.
Q Do you remember the date of his death? A Yes sir, October 23, 1866.
Q I will ask you if you know where the Webber family was living at the time he died? A Yes sir, they were living there.
Q About how far from your mother's? A About 175 steps I suppose, in a cabin.
Q Short distance? A Yes sir.
Q Did you know Aaron Webber, a little short legged duck legged fellow? A Yes sir.
Q I would like to know from you Mrs. Spears your best recollection as to the time old man Sam Webber left that country permanently with his family? A
BY MR. SMITH: The counsel for the applicant objects to that question, because it is incompetent and calls for the opinion of the witness.
COMMISSIONER: The Counsel for the applicant has put a number of questions in the same form and asked as to their best recollection that exists; it is entirely competent to give the best recollection and belief in regard to the facts.
Q My best recollection is that it was in the spring of '67, either February or March.
Q Did you know whether or not young Sam Webber married up there?
A Yes sir.
Q Did you know whether that was before or after they left there?
A That was before they left there.
BY MR. SMITH:
Q Mrs. Spears, did you know of Sam Webber, Sr., leaving that country and coming to the Cherokee Nation, or leaving that country for the Cherokee Nation before the time you mention? A He came in the fall I think, or summer sometime and got a claim I think.

Q Fall of what year? A '66, and then come back.
Q How do you remember young Sam Webber's coming back with reference to the time Sam Webber Jr. came, who came first when they returned from this trip looking for places you speak of? A They came together.
Q You are sure of that? A Yes sir.
Q Where was Aaron Webber, did he come back with them? A I don't remember very much about Sam.
Q You don't remember whether he did or not? A No, I wouldn't be positive whether he came with them or not when they came after their claims.
Q Do you know when the older Sam Webber made the first trip to the Cherokee Nation after the war? A Well it was in the fall of '66 I guess, about that time, either summer or fall.
Q Either summer or fall? A Yes sir, sometime about in the summer or fall.
Q Might not it have been the late spring? A No, it was not, because he made his crop there and then came afterwards.
Q Made a crop in '66? A '66.
Q What did he do with that crop? A I suppose he put it up here, disposed of it.
Q Do you know whether he sold it or not? A No, I don't know whether he sold it or not, I think they fed it to the deer stock before they left.
Q Where was Sam Webber Jr. in December 1867? A I don't know where he was at.
Q Where was he in January and February of '67? A January or February of '66, I can't say.
Q Where was he in July of '66? A I don't know where.
Q Do you have any recollection of Sam Webber Jr. coming there after his father in July '66? A No sir.
Q Do you have any recollection of Sam Webber coming there at any time with any hides, deer hides or any kind of hides? A No sir.
Q Where was old man Webber living in the year of 1867? A He was living there close to my mother's farm I speak of.
Q In 175 steps of yours? A Yes sir.
Q And you don't remember of his coming there at any time off of a trip except the time he came back with his father? A He went to Fort Scott I guess, I never tried to keep any trace of his whereabouts.
Q Now what makes you think it was February or March of '67 that these people left there? A Well I have all reasons to believe that circumstances about it; well the old darkey had a cane patch and the darkey boys trapped on the land that winter.
Q These darkey boys? A The Webber boys.
Q Did what? A Trapped for game that winter, on the patch of cane where we had left the seed on the cane.
Q That the winter that commenced in December and ends in February, December, '66 and February of '67? A It was all in the winter of course.
Q Well the winter is pretty well over by the last day of January isn't it? A Not always it ends.
Q Well the bigger part of it, two months is gone isn't it? A No sir, not in our country.
Q How many months do you have in the winter there? A Some winters we have pretty hard and some winters we don't have so much.
Q So that as a matter of fact the fact that they traveled there on your place during the winter would not of itself lead you to believe that they didn't leave there until February or March? A Well it was along toward spring they left, that is the best of my knowledge.
Q Now in what way do you fix the date, you speak of your people then is that the way you fix the date, by that? A No sir, I fix it by memory, of course that is the way by the people, of this child's design; they were there then that is, the family were, I don't rec-

member so much about the men; there was an old lady that moved down here with the men that sat up with my brother in his sickness.

Q Do you remember Sam Webber bringing you any sassafras and spice switch up there? A Yes sir.

Q When was that? A That was the first time they came down.

Q When was it? A That was in '66.

Q What month? A I don't know.

Q Can you state within two months of the time? A No I don't know as I could.

Q Can you remember that as well as you could the other time? A (No response).

Q You know that they were gone from there before the spring of '67, and it must have been in '66 they brought the sassafras? A Yes sir.

Q What was it, sassafras roots? A Yes sir.

Q That must have been in the spring? A I don't know.

Q Well they don't make sassafras in the fall? A We used it for tea.

Q It was not in the spring at all Sam Webber brought the sassafras? A No sir, it was not; he didn't bring it at all; the old gentleman brought it.

Q Well now as a matter of fact do you remember any one of these people being there at the time your brother was sick and died except the old woman Rhoda? A Well this family was there on the place; I don't remember them being there.

Q Well if they were you tell me who you saw except Rhoda the old woman? A Well I don't know as I remember. There was Johnson's wife, of course I don't just remember who was there, I was just a child then; there was a great many of the neighbors in, but I remember the old lady, sitting up with my brother at the time he was sick.

Q Now isn't it a fact that the old lady Rhoda is the only one you remember being there at the time? A No sir.

Q Now who else was there? A Chlora was there.

Q Well now name some other one, all you know that was there? A I don't know, I don't remember them, there was hardly any day but what they was there, some of them.

Q Well now what I want to know, who was there except this woman, Rhoda? A I don't know anything about that.

Q You don't know? A No sir.

Q How many trips did the Webbers make down here to this country, do you know? A They came once and got claims and came back and went again.

Q All you know of? A Yes sir.

Q If they made others you don't know it? A No sir, I don't know anything about any more trips they made.

Q Now when was this entry in this Bible, the date of your brother's death, made, was that made at the time? A Just when he died?

Q Yes? A I don't know as it was, I suppose about the time.

Q Well about when, do you know who wrote that? A I know who wrote that?

Q That is what I am talking about? A This was drawn off from another Bible.

Q You don't think that this entry, "Lizzie Bell Lewis, born September 1st, 1868" is in the same handwriting that this is do you? A No sir.

Q You don't know that this is in the same handwriting? A No sir, it is not.

Q Now who wrote that date, October 23, 1866? A Park Nichols.

Q Well now can you tell me how nearly at the time of your brother's death that entry was made? A No sir, I could not.

BY MR. HASTINGS:

Q How long has this Bible been in your mother's possession? A I can't tell.

Q Has this entry been in here a long time to your knowledge? A Yes sir, it has been several years.

Q It was in there long before any investigation came up wasn't it?

A Yes sir.

BY MR. SMITH:

Q Didn't Sam Webber and his father come down here in '65? A If they did I never missed them from home.

Q If they came here you didn't miss them? A No sir.

MARY A HICKS, re-called for additional cross examination.

BY MR. SMITH:

Q Mrs. Hicks, when was the entry upon this Bible you have with regard to the date of the death of your child made with reference to his death? A Well I don't just remember when it was; it was not long.

Q Was it put there at or about the time he died? A Why it was not long after he died.

Q Well give us your best judgment as to how long? A Well he died that fall and I don't know just how long it was.

Q Well was it as much as a month? A I won't say sir.

Q You can give some idea? A Well I tell you now, I won't say anything when I don't know anything.

Q I thought probably you might know better than I do, as I know nothing about it? A If I knew when I set it down I would recollect it; I have had a good deal of trouble about it.

Q I don't want to cause you any trouble about it, but I would like to know, it is some importance in this case? A There was a young man working for us that set it down.

Q What was his name? A His name was Nichols.

Q Do you remember how long after your child died before Nichols went to work for you? A No sir.

Q Well when it was set down what was it set down from, your recollection? A Why I had a husband then and all of us recollected it, who wouldn't recollect it?

Q I am asking you how long it was before this entry was made, if you can tell me? A I don't know when.

Q Do you think it was as much as two years? A No sir.

Q It was not? A No sir, if I should guess at anything about it I should think it was along in the summer sometime, I should think now; afterwards this young man was breaking prairie and of course he broke it in the winter.

Q Was this the first place it was made where it was made here in this Bible? A Yes sir.

MR. SMITH: If the Court please, I want to show by the title page of the Bible that it was not published until in 1869.

COMMISSION: The title page has been examined and it shows that the edition of the Bible in evidence was published in Philadelphia in the year 1869.

BY MR. HASTINGS:

Q Do you remember, independent of the Bible, of the dates of your son's death? A Yes sir.

Q You didn't attempt to give distinctly when that entry was made in your Bible? A No sir.

Q You so stated? A Yes sir.

BY MR. SMITH: I object to that; it is leading.

BY MR. HASTINGS:

The Representatives of the Cherokee Nation ask that the testimony of Sam Webber, recalled, in the case of Jefferson Ross and others, Freedman D-872, be made a part of the record in this case.

COMMISSION: It is ordered that the testimony just taken be filed as supplemental testimony in Cherokee Freedmen Doubtful case 496, the same being the case of Chloa Grayson, and it will likewise be filed in Cherokee Freedmen Doubtful case 216, the case of Aaron Webber, and in Cherokee Freedmen doubtful case 350, the same being the case of Joe Ross.

It is further ordered that a set of all the testimony

Joe Ross (sup'1) 15

given by Sam Webber in Cherokee Freedman Doubtful Case 872, the same being the case of Jefferson Ross, be filed in case Charlotte Freeman D-309, of Joe Ross, and in Cherokee Freedman D-194, of Wilson Grayson, and in Cherokee Freedman D-215, of Aaron Webb.

H. D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in this case, as dictated to him from the stenographic notes of JOHN A. Ransom, by said Ransom, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

H. D. Green.

Subscribed and sworn to before me this November 16th, 1903.

J. W. Starr

Notary Public.

SEAL

To be filed with _____

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., October 29th, 1901.

SUPPLEMENTAL TESTIMONY in the matter of the application of Joe
Ross C.F.D. 350.

Appearances:

W.W.Hastings, for the Cherokee Nation.
Mallette & Smith for the applicants.

BY MR. HASTINGS: The Representatives of the Cherokee Na-
tion ask that the testimony of Sam Webber, re-called, in the
case of Jefferson Ross, and others, Freedmen D 972, be made a
part of the record in this case.

COMMISSIONER: - - - It is further ordered that a set
of all the testimony given by Sam Webber in Cherokee Freedmen
Doubtful case 872, the same being the case of Jefferson Ross
be filed in the case Cherokee Freedmen D 350, of Joe Ross,
and in Cherokee Freedmen D 426, of Orlora Grayson and in
Cherokee Freedmen D 216, of Aaron Webber.

-00--

Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I.T., June 26, 1901.

In the matter of the application of Jefferson Ross for the
enrollment of himself and four children as Cherokee Freedmen.

Appearances:

Mallette & Smith, attorneys for applicants;
W.W.Hastings, counsel for Cherokee Nation.

Sam Webber, being duly sworn by Commissioner Needles, testified
as follows:

Mr. Smith: What is your name? A Sam Webber.

Q How old are you? A About 58.

Q Where do you live? A I live about two miles west of here.

Q How long have you lived in the Cherokee Nation? A I was born and
raised here, and after the war came back.

Q Do you know this applicant, Jefferson Ross? A Yes, sir.

Q Were you acquainted with him before the war? A No, sir, I
wasn't acquainted with him before the war.

Q When did you first know him? A I got acquainted with him just
after the war.

Q Where? A Here in the Nation.

Q About what part of the Nation? A He came to my house thereon
Big Creek in the Nation.

Q What time? A Along in the spring of '67.

Q Do you know of your own knowledge when he first came back to
the Territory after the war? A No, sir, I don't know of my own
knowledge.

Q Do you know where he was living at the time he came to your house?
A He had been working on Snow Creek he claimed and he was on his
way hunting his sister.

Q Did you ever see him after you saw him that time? A I put him
on the trail down to his sister's and I never saw him for quite a
little bit from that; when I saw him he was there on Lightening
Creek.

Q Did you see him then after that at his sister's? A I saw him
then often and on for near about two years I guess.

Q Where? A There at Lightening Creek.

Q In the Charlotte Station? A Yes, sir.
 Q Was he a married or a single man at that time? A He was a single man to my knowledge.
 Q Do you know where he is living now? A No, sir, I don't.
 Mr. Hastings: You saw him around here for about two years?
 A Yes, sir.
 Q Then how long was it till you saw him again, Sam? A I remember after that of seeing him at Big Creek again.
 Q How long after that? A That have been six months or a year after that I met him again there.
 Q You know where he was married? A No, sir, I can't tell you.
 Q Was he married at that time? A If he was I didn't know it.
 Q Did you know his wife? A No, sir, I don't know his wife.
 Q Did you ever see his wife? A Not to know it was her.
 Q Has this man ever kept house to your knowledge? A When I saw him he was to his sister's.
 Q What was her name? A Katie Thornton.
 Q You never saw him in a separate, independent house, keeping house with his family? A No, sir, never did.
 Q What is his occupation? A I can't tell you.
 Q Did you ever see him making a crop anywhere? A I never saw him farming, I have seen him working for people around there.
 Q He never made a crop to your knowledge? A No, sir, not to my knowledge.
 Q Has he got any special occupation like a carpenter? A Not as I know of.
 Q What is Katie Thornton's husband named? A Henry Thornton.
 Q Was that her husband at that time? A Yes, sir.
 Q With whom does this man stay now? A I don't know that.
 Q You never saw him anywhere except around to his sister's? A That is all I have noticed him.
 Q Did he have any children when you saw him? A I never saw them if he did.
 Q You don't know where his family were, if he had any? A No, sir.

Sam Webber, as called, testified as follows:
 Mr. Hastings: Mr. Webber, when were you first married? A When I first married, I married just a short while after the war, I don't remember what year.
 Q Before you came down here? A After I came down here.
 Q Well, about how many years after you came down here? A It wasn't a year I guess after I came here.
 Q Well, you know what time of the year you were married? A I was married along in the winter.
 Q Was that the last winter you came, or the winter of '67? A It was along about, it throught in '67, it was after Christmas.
 Q You mean in January of '67 or the last part of '67? A It was along after Christmas, I don't remember the date.
 Q What was your wife named? A My wife at that time was Rinda Harris.
 Q When did you commence keeping house? A I went in my house when first came there.
 Q You and your wife keeping house separate and apart? A I was keeping house when I was single, I built me a little house, and was living in there.
 Q What time in the year did you and your wife move into that house? A We moved right in the house after we were married.
 Q And you don't remember when that was, what time of the year? A Along after Christmas, I was already in the house.

H. D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he made the foregoing copy and that the same is a true and complete copy of the original transcript.
(Signed) H. D. Green.

Subscribed and sworn to before me this November 16, 1901.
(Signed) J. S. Starr
Notary Public.

(SEAL)

E. A. P. Cheever, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, I made the foregoing copy and that the same is a true and complete copy of a certified copy of the original transcript.

E. A. P. Cheever

Sworn to and subscribed before me this 11th day of August, 1902.

B. Jones
Notary Public.

File with Cherokee Freedman De-

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T., May 22, 1901.

In the matter of the application of Elizabeth Meigs for enrollment as a Cherokee Freedman; she being sworn by Commissioner C. R. Breckinridge, testified as follows:

- Q What is your name? A Elizabeth Meigs.
Q How old are you? A I don't know my age.
Q About how old are you? A I was four years old when we came here with the old settlers.
Q Was that when the Cherokees first moved to this country from the old nation? A Yes sir.
Q That would make you about 71 years old now wouldn't it? A Yes sir I guess so.
Q What is your post office? A Centralia.
Q In what district do you live? A Cooweseowee.
Q Do you want to be enrolled as a Cherokee Freedman? A Yes sir, I do.
Q Who do you want to have enrolled besides yourself? A My children.
Q Have you any children under twenty-one years old? A No sir.
Q They will have to apply for themselves then. A (No response).
Q Have you a husband? A No sir he is dead.
Q Then you only apply for yourself? A Yes sir.
Q Have you lived here ever since you came with the Cherokees in 1837? A Yes sir.
Q How long have you been called Meigs? A Ever since I was nothing but a girl.
Q Were you married to a man named Meigs? A Peter Meigs.
Q Is he dead? A Yes sir, five years ago in September.
Q Was he a Cherokee Freedman? A Yes sir.
Q Were you a slave in the Cherokee Nation before the war? A Yes sir.
Q To whom did you belong? A Rouben Daniel.

The 1880 authenticated roll of the Cherokee Nation examined and the applicant's name not found thereon.

- Q Are any of your family on that roll that you know of? A Yes sir, Alice Sanders is on it, she is a daughter of mine, Alice is.

The 1880 authenticated roll of the Cherokee Nation examined and the name of the applicant's daughter identified thereon as follows:

Page 175, No. 2698, Alice Sanders, Cooweseowee district.

The 1896 census roll of the Cherokee Nation examined and the name of the applicant not found thereon.

- Q Did you draw your Cherokee strip money? A Yes sir.

The Kerns-Clifton roll of the Cherokee Nation examined and the name of the applicant found thereon as follows:

Page 100 No. 2612, Eliza Meigs, Cooweseowee district.

- Q Did you ever go by the name of Daniel? A Yes sir then was my owners.

The Wallace roll of the Cherokee Nation examined and the name of the applicant found thereon as follows:

Page 182, No., 40, Elizabeth Daniel.

NOTE: Wife of Peter Meigs.

Wallace roll of the Cherokee Nation examined and the name of the applicant found thereon again as follows:

Page 131, No. 2746, Elizabeth Meigs, Coconawhoochee district.

- Q Where were you during the Civil war, did they take you out of the Cherokee Nation? A I was at Fort Scott during the war.
- Q When did you come back? A In the winter of '65.
- Q What time in the winter? A Well it was in the winter.
- Q Was it before Christmas, or after Christmas? A My husband was down here in the Christmas.
- Q When did he bring you down? A In the winter after he went from here on Big Creek.
- Q He came ahead of you then? A Yes sir.
- Q What time did he leave Kansas? A I cannot tell you when he first came.
- Q Did he leave Kansas before Christmas? A Yes sir he came here in the winter of '65.
- Q Did he leave Kansas in the winter? A Yes sir.
- Q Was he down here when Christmas came? A Yes sir.
- Q Do you know how long it was before Christmas before he started to come here first? A No sir I don't.
- Q How long was it after Christmas before he got back to you in Kansas? A Directly after Christmas.
- Q How long after Christmas before you and he started down here together? A Directly after.
- Q He spent Christmas that year in the Cherokee Nation by himself? A Yes sir, my husband did.
- Q What members of your family came down with you and your husband? A These children.
- Q Did you bring your child Alice Sanders with you? A Yes sir.
- Q All the children? A Yes sir.
- Q Can you explain why you are not on the roll of 1860? A No sir.
- Q Do you know why you are not on that roll? A No sir I don't know nothing about the rolls.

By W. W. Hastings, Cherokee Representative:

- Q Auntie, what provisions did your husband make after he had been to the Cherokee Nation, to come down here with his family? Did he sell off what you had in Kansas? A Yes sir that little we had, we never had much to sell.
- Q Where were you living in Kansas then? A Fort Scott.
- Q About how long did it take him to get ready to come to the Cherokee Nation after he went back up there? A No time after he got back till we all come here.
- Q Was it as much as a couple or three weeks? A Yes sir I guess so.
- Q And then you started down here? A Yes sir.
- Q Was it in the spring of the year when you reached here? A No sir in the winter.
- Q The leaves were not budding out then on the trees when you and your husband and children got here? A No sir there warent no buds nor nothing on the trees, it was winter I tells you.
- Q You all came in wagons did you? A Yes sir.
- Q Who came with your husband down here when he first came? A Old man Mike Sanders.
- Q Who else? A Reuben Sanders.
- Q Who else? A Daniel Sanders.

Q And one else that you remember? A There was little Sam Webber and old man Sam Webber.

Q Any other Webber's? A Aaron Webber.

Q Did any one else come down? A I don't remember any one else now.

Q Were you there when they started down? A We all come together I am a telling you.

Q But I mean when your husband come on in advance of you. Who came with him then? Did those parties that you have named come with your husband when he first came down? A Yes sir.

Q You were at Fort Scott then? A Yes sir.

Q And they all started together? A Yes sir.

Q These that you have named are all the you can think of at the present time? A Yes sir.

Q Did they come in wagons or on horse-back that time? A They come in wagons when they first come.

Q And after Christmas you all come down did you? A Yes sir.

Q Did you come in wagons then? A Yes sir.

Q Did you come by a little place called Chatopa? A Yes sir.

Q Where did you come to in the Cherokee Nation? A I come right where I am living yes when I came to the Cherokee Nation.

Q And you are living there yet? A Yes sir, that old house was built in '86.

Q What house? A That one we is living in.

Q And you are living at the same old place? A Yes sir, in the same old house.

Q On what creek is that? A Big Creek.

Q Was any one living on Big Creek when you came there besides your own crowd? A No sir, down on Verdigris there was some living.

Q You were the advance family or crowd that came to Big Creek were you? A Yes sir, we was the advance guard.

Q Did you see any one from Chatopa along the road through the Nation to Big Creek when you come there? A No sir.

Q Did these people who first came down with you husband return with him and then come down again when your family all come after Christmas? A Yes sir.

Q You all come back together? A Yes sir.

Q Now Auntie, did any additional people--any other families come down with you? A I don't know who all come down, I am just a telling you what I know.

Q There was Daniel Sanders, and Reuben Sanders and there was Mike Sanders, and Sam Webber, old and little Sam, they all came with you? A Yes sir.

Q Did Aaron Webber come? A Yes sir.

Q And your family? A Yes sir.

Q Are there any that I missed? A That is all that I gave you.

Q Is that all that come? A Aaron Wright come with us.

Q Who also? A (No response).

Q Were there any others at all? A I am a telling you all that I can think of now, it has been a long time for an old woman like me to remember all that come.

Q You come to the place that you are living at now did you? A Yes, sir and has lived there ever since.

Q Have you any Cherokee neighbors there now that were old residents? A No sir, there was some lived on Verdigris when we come there.

Q Who? A Lunt's Riley was there on Verdigris, but not where we was living.

Q How far from where you settled? A I don't know how far.

Q Was it as much as 4 or 5 miles? A As much as ten miles if you guess at it right.

Q Were they the closest residents to you at that time? A Yes sir.

Q Were there any Delaware Indians there when you come there? A No sir I never saw none.

Q Any others? A No sir, never saw none.
 Q You didn't see any body on Big Creek, neither white or black, except those that came with you? A That is all.
 Q And you have been there ever since? A Yes sir, ever since we moved there.
 Q You say your husband Peter Keige built a house there? A There a log house there and he bought the house and we moved to it.
 Q Who built the house if you know? A Henry Harold.
 Q Was he a colored man? A Yes sir.
 Q Is he living? A I don't know if he is or not.
 Q Some 3 or 4 years after you came down here your husband went to Tahlequah before the court, didn't he, to see about his citizenship? A Yes sir.
 Q They didn't admit him then did they? A I don't know sir.
 Q You know he was disputed? A I don't know nothing about it, I never paid any attention to any such things as them then.

By the Commission:

Q Were you ever admitted by the Cherokee or United States court for Commission? A I don't understand what you say.
 Q Did you ever have your right to be enrolled as a Cherokee citizen before any kind of a court? A Yes sir my man enrolled us before he died.
 Q I mean in Court? A That is what I am a telling you.
 Q You know what a court is don't you? A Yes sir.
 Q What court do you know? A Harns Clifton court.
 Q Any other court that you know of? A I know of the Wallace court.
 Q Any other? A No sir.
 Q Did he ever have anything done about his case by the Cherokee Council? A I don't know what was done, my man went there every year or two but I don't know what was done there.
 Q How long did it take you and these people to come from Kansas to the Cherokee Nation? A I don't know how long we were on the road.
 Q Have you any witnesses with you that you want to introduce? A Yes sir.

REUBEN SANDERS, called and sworn by Commissioner C. R. Breckinridge, testified as follows on the part of the applicant.
 (Examined by the Commission).

Q What is your name? A Reuben Sanders.
 Q How old are you? A I suppose I am about 50.
 Q What is your post office? A Centralia.
 Q How long have you lived in the Cherokee Nation? A All my life.
 Q Were you a slave in the Cherokee Nation when the Civil war broke out? A Yes sir.
 Q Who did you belong to? A James Sanders.
 Q Were you taken to Kansas during the war? A Yes sir.
 Q You have a wife named Alice have you? A Yes sir.
 Q How long have you and she been married? A About 30 years perhaps more.

The 1880 authenticated roll of the Cherokee Nation examined and the name of the applicant's son-in-law identified thereon as follows:

Page 175, No. 2657, Reuben Sanders, Coowasecoochee district.

Q Did you ever have to carry the question of your citizenship before any court? A Yes sir.
 Q What court? A The Chambers court.
 Q Is that the only one? A Yes sir that is the only one; I was admitted by the Chambers Court.

Q Where was it sitting? A At Tabloquah.
 Q In what year was that? A I cannot tell what year it was.
 Q Your citizenship had been disputed had it? A Yes sir.
 Q When was your right to citizenship first disputed? A It was during the time that Thompson Goodwin was chief.
 Q Was that before the 1880 roll was made? A Yes sir.
 Q Did the court decide in your favor? A Yes sir.
 Q Was there any dispute made then about your being put on the 1880 roll? A No sir.
 Q Were you required to show a copy of the decision of the court in your favor when you went to enroll in 1890? A No sir.
 Q Did they ask you any questions when you went to be enrolled in 1880? A No sir.
 Q Where did they take your name? A I was in Coogonack Bend, at the time.
 Q Do you know the applicant Elizabeth Meigs? A Yes sir.
 Q Your wife is her daughter? A Yes sir.

By W. W. Hastings:

Q Peter Meigs' citizenship was disputed the same time yours was? A Yes sir.
 Q Did he go before the court at the same time? A No sir, I think not.
 Q His wife's citizenship was also disputed? A I judge so.
 Q Did she go down before that court? A Not to my knowledge.
 Q Did he go down to Tabloquah to the court before that time? A Yes sir I think he went down to the Bob Daniels court, think he went with my father.
 Q Was Bob Daniels Chief Justice of that court? A Yes sir.
 Q Just a few years after the war? A Yes sir.
 Q In '71 wasn't it? A Yes sir.
 Q Was any action taken in that court? A I don't know.
 Q You were not there yourself? A No sir.
 Q You were about 16 or 16 years old when you came back? A Yes sir I guess so, I don't exactly know how old I was.
 Q You were not married then? A No sir.
 Q How long long after you got back before you married? A Not very long after I got back.
 Q Did you marry on your way down here? A No sir.
 Q How long had you been here before you married? A I have been married twice.
 Q How long had you been here before you married the first time? A Not very long.
 Q As much as a year? A May be so.
 Q Is that your best judgment? A My best judgment is perhaps that it was that long.
 Q When were you married to your present wife? A Upwards of 30 years, or so.
 Q How long did you live with your first wife? A Not very long, she died.
 Q A year? A Perhaps it was, maybe a little longer.
 Q Then you married your present wife? A Yes sir.
 Q When you came to the Cherokee Nation how did you come the first time? A In wagons.
 Q The first time? A Yes sir.
 Q Who came with you? A Several were on horse-back; it is beyond my knowledge how many there were.
 Q Tell all you can remember? A We made a trip in August and one in October and then we moved here in the winter.
 Q Did you come in August? A Yes sir.
 Q Who came with you then? A Some of this family, Peter Meigs and got his place; the heads of these families.

Q Who else came with you? A My brother Dan and the Whitaires.
 Q Which ones? A Several.
 Q Which ones? A Moss and Dennis, and the Webbers.
 Q Name them? A Old man Sam and younger Sam and little Aaron, and a man named Abe Thurman, and Abe Hair, and I don't know who else, I don't know who all come.
 Q Who come when you come in October? A I don't know who all come then, some of that same crowd and some more come in October.
 Q Do you remember any additional persons? A To the best of my knowledge the Smith family.
 Q What was his first name? A Old man Caesar Smith.
 Q You come in both of the detachments yourself? A No sir.
 Q Which one did you come in? A I come in August.
 Q You didn't come in October then? Yes sir, I come when we first come; we brought some of our farming utensils when we come in August and left the on the creek.
 Q On Big Creek? A Yes sir.
 Q Where Mrs Meigs lives? A Yes sir.
 Q And you returned in October, how long did you stay in October.
 Q We all didn't return in October, we didn't all go back, some staid in August, some staid and some came back; some of us brought our things with us and some came to look out homes, we all come with the intention of making our homes here.
 Q When did you afterwards move here the last time? A In the winter of '66 is when we come down here the last time.
 Q What time in the winter? A Long in January.
 Q You mean in '67.
 Q No in the winter of '66.
 Q If you came here in the August and October of '66 and then returned for your families and came back here in the following winter, in the following January or February, that would be in '67? A I don't understand you; we came here in the winter of '66 is what I said, in January after we had first been here in August and October, we came right to where Mrs. Meigs is living now.

By the Commission:

Q You say you first came here in August of '66? A Yes sir.
 Q That was your first coming was it? A Yes sir.

By Hastings:

Q When you moved here permanently, tell all that you possible can remember of who came with you in the January or February following?
 A This family is one, her, the Meigs family, Peter Meigs, Elinaboth Meigs, Mary Meigs, George Meigs, Simon Meigs, Harriett Meigs, Perry Meigs, that is all that I can remember of that family.
 Q I don't mean only of that family, there were other families were there not? A Old man Billie Borman.
 Q Who else? A He had several children.
 Q The heads of families I meant? A Fannie Sanders; I don't recollect them all; I don't know as I can call the names of all of them.
 Q Were any of the Webbers along? A Yes sir.
 Q Old man Sam and young Sam? A Yes sir; I would not pretend to call them all over as I had forgotten them Webbers and so I can't remember for if I has forgotten them I don't think I can remember any of the others.

By the Commission:

Q Did old man Sam Webber come? A Yes sir.
 Q Did his son Sam come? A Yes sir.

Q Don't you remember any one else? A Rachel P...
 Q Do you think of any one else? A No sir.
 Q You know that it was a mooted question before the Earns Clifton Commission as to who came at this time and as to when you came? A. I haven't been interested as to anyone except for myself.
 Q You know that there is a question about who came don't you? A Yes sir I guess I do.
 Q You say you came to Big Creek? A Yes sir.
 Q Did you come by the way of Chetopa? A Yes sir I guess that we did, I don't know that they called it Chetopa then, there was a house or so there.
 Q Did you cross the river there? A What river.
 Q Neosho? A No sir.
 Q You didn't cross at the Gilstrap ferry? A No sir we crossed 20 or 30 miles from there.
 Q You came through what is Chetopa and came on west through the prairie? A We may have.
 Q You were in Wagons? A Yes sir.
 Q Were there any persons living on any of that country from Chetopa west, out to Big Creek except your own people who had come in August or October before that? A I have no knowledge of any one living there before that.
 Q Were there any houses there except those that your crowd built? A I don't know of any houses, but there were foundations for them on Big Creek.
 Q Then the houses were not built before you moved there with your families? A Yes sir some were, there were logs on some up 8 or 10 logs high.
 Q Then there were none really completed until you moved there with your families? A No sir.
 Q Did you make a crop there the first year that you moved there? A Yes sir as near as we could with one horse plows and hoes.
 Q Do you know Jim Martin? A Yes sir.
 Q How far does he live from you now? A 4, 5 or 8 miles.
 Q Was he living there when you people moved there? A No sir.
 Q He had a brother names William Martin? A Yes sir.
 Q Was he living out there then? A No sir.
 Q There was an old man by the name of Carter living out there then, wasn't there? A No sir; there was an old man named Carter living 20 miles perhaps from there quite a while after we come there.
 Q Was his name Dick Carter? A I think it was.
 Q You say he lived some 20 miles from there? A Yes sir 20 miles below, on the Verdigris river. He come some time after.
 Q Do you know if that ferry that you crossed the Neosho river was called Gilstrap ferry? A No sir we never crossed on Gilstrap ferry.
 Q There were no farms made there when you passed through--no citizens had farms up there? A No sir none that I saw.

By the Commission:

Q You stated, I believe, that the first time that you come to the Cherokee Nation after the Civil war closed was in August of '66?
 A Yes sir.
 Q For what purpose did you come back then? A To make it our home; the proclamation had told us to come home, that it was open for us to come.
 Q You didn't bring your families with you then? A Only part of them and some things that we had.
 Q Part came with their families and part came to prepare for their families? A Yes sir.

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Q What men were with you on that first trip? A This family, the Meigs family, not all of this man's boys, but the old man Meigs, Peter Meigs.

Q You didn't bring your family with you at that time did you? A No sir.

Q Did Peter Meigs bring any of his family then? A No sir.

Q Did you go back to Kansas after that? A Yes sir.

Q When did you bring your family? A Our family came in October.

Q When did Peter Meigs go back to Kansas? A I think with my father.

Q You came yourself in August? A Yes sir with my father.

Q You went back to Kansas after that? A Yes sir my father went there and I went with him.

Q When did Peter Meigs go back? A He went with the crowd.

Q Did he go with you and your father? A Yes sir.

Q Then you returned to the Cherokee Nation again in October? A Yes sir.

Q Did your father come with you? A Yes sir.

Q Did all the members of your own family come with you? A No sir, not all of them came in October.

Q When was Peter Meigs in October? A He come with us at each trip.

Q Did he go back to Kansas with you? A Yes sir.

Q And then you came back here to the Cherokee Nation in October? A Yes sir.

Q Did Peter Meigs come back with you to the Cherokee Nation in October? A Yes sir.

Q When was the second time that Peter Meigs had been here? A Yes sir.

Q Where was Peter Meigs in Christmas of '66, do you know? A No sir.

Q I don't exactly know where he was in Christmas of '66.

Q When Peter Meigs got back to the Cherokee Nation with his family did he settle in the Cherokee Nation near your family? A Yes sir.

Q How far apart? A Two or three hundred yards apart.

Q Did he then go back to Kansas for his family after he made that October trip with you? A No sir-he went back after something to eat.

Q You stated that he brought his family the last time in February, when did he go back after his family? A The third time he brought his family.

Q You stated here then? A Yes sir.

Q When did you come? A In the winter.

Q Was it in February? A Must have been in December.

Q What about that February trip you spoke of? A It was in the winter some time. Snow on the ground.

Q Did your father come at that trip? A Yes sir.

Q Your mother? A Yes sir.

Q Peter Meigs? A Yes sir.

Q His wife? A Yes sir.

Q That was your third trip? A Yes sir.

Q Was that your last trip? A Yes sir.

Q When did your wife Alice come? A Come then.

Q On that third trip? A Yes sir.

Q You say Peter made all three trips with you? A Yes sir.

Q Every time you came he came? A Yes sir.

Q Every time you went back to Kansas he went back? A Yes sir, that is to the best of my knowledge.

Q Did he go there by himself? A No sir.

Q Do you remember distinctly that you came here in August the first time? A Yes sir.

Q Do you remember distinctly that Peter came with you in August and October? A Yes sir.

Q Do you remember distinctly that he come with his family when you made your third and last trip? A Yes sir.

Q With his family? A Yes sir.

By Com'r Breckinridge, -

The applicant states that she was a slave in the Cherokee Nation from the time the Cherokees moved to the Indian Territory in 1837 until she was liberated by the Civil war. She is identified on the Kerus-Clifton roll and on the Wallace roll, but not on the 1880 roll or upon the roll of 1896. The testimony indicated that her husband first returned to the Cherokee Nation after the war, coming from Kansas in August of 1866, that he came at that time to prepare for the bringing of his family back to the Cherokee Nation. He is now deceased, but he and the applicant were married at that time and had several children. The testimony further indicated that the applicant's husband made a trip back to Kansas in October, but not with a view of relinquishing his purpose to bring his family to the Cherokee Nation, but apparently to get provisions. It further appears that he returned to the Cherokee Nation with his wife and children in the following month of February. There is some conflict of testimony in regard to this matter, but so far that is the weight of the testimony. It also appears that proceedings may have been had by some Cherokee Court, either a citizenship court or the Cherokee Supreme Court, prior to the date of the Chambers Court, affecting the citizenship of this applicant and her husband and all those who may claim through them. It will be necessary to make ~~xxxx~~ further inquiry upon this point, and if possible to get an official copy of the record. Under these conditions, the applicant will now be listed for enrollment on a doubtful card and the final decision of the Commission will be made known to her at her post office address.

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Chas. von Weise, being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes therein,

Chas. von Weise.

Subscribed and sworn to before me this the 29th of May, 1901 at
Chelsea, I. T.

T. B. Needles,

Commissioner.

~~CONFIDENTIAL~~

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T., May 22, 1901.

In the matter of the application of Elizabeth Heigs for enrollment as a Cherokee Freedman;
REUBEN SANDERS, having been before sworn by Commissioner Breckinridge, testified as follows:

- Q Give your name? A Reuben Sanders.
Q How old are you? A I am only about 50 past.
Q You gave testimony just now in the case of Elizabeth Heigs?
A Yes sir.
Q And you want to correct a statement you made there? A Yes sir, I wish to make the statement that it was in January, 1867 when we made the last move, about the first of the month; it was the following August in 1866; we had been here in August you know, in '66 and in October, and we made the last move in '67, January, and I put it down February I think; I wanted to say January.
Q How do you find out now it was January instead of February?
A It was just after Christmas that we was on the road coming down.
Q How long after Christmas? A Perhaps a week after Christmas; my reason for stating this is this, along Christmas- a few days before Christmas there was a man got killed named Hayford, and there was a gentleman killed him, a colored man killed that man Hayford, a man by the name of Mackey, and we started then right shortly after that killing was, and the parties followed us, thinking he was with us, in our crowd, that was just the following- a few days after Christmas, a week, or after Christmas.

Examined by Cherokee Representative, W. W. Hastings:

- Q How old are you? A Well I just don't know my age exactly, I suppose that I am about 50 years old; something in that line.
Q Where did you say that killing took place? A In Kansas.
Q Fort Scott? A Yes sir.
Q And the man that was accused of the killing was named what? A Named Mackey.
Q You remember his first name? A No.
Q You remember the man who was killed, you get his first name? A No sir I don't not.
Q Did you ever learn afterwards whether or not that man was caught, do you know? A It seems to me like I learned afterwards that the man was caught. No I don't know nothing about that part of it.
Q You know what county Ft. Scott is in? A No sir.
Q Who called your attention to this ~~name~~ error? A I thought so myself; I called my own attention to it; I was studying over it, I did.
Q You know now it was only a few days after Christmas? A Yes sir, a few days after Christmas.

Com'r Breckinridge: This statement will be filed as supplemental in the Elizabeth Heigs case, to be considered in connection with the former statement of the witness, and the other evidence relating to the date in question.

M. D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcription of his notes and the notes thereof.

Subscribed and sworn to before me this 22d day of May, 1901.

C. R. Breckinridge,

Commissioner.

Department of the Interior,
Commission to the Five Civilized Tribes,
Chelsea, I. T., June 1st, 1901.

In the matter of the application of John J. Rose for the enrollment of himself, as intermarried Cherokee Freedmen; and two children as Cherokee Freedmen; he applying as intermarried; being sworn and examined by Commissioner Needles, he testified as follows:

Appearances:

Mr. Smith, of Mellette & Smith, for applicant.
Mr. L. B. Bell, for Cherokee Nation.

- Q What is your name? A John J. Rose.
Q What is your age? A About 35.
Q What is your post-office? A Longsight, Indian Territory.
Q What district do you live in? A Coconawawee District.
Q You apply to be enrolled as a Cherokee Freedman? A No sir, as intermarried adopted.
Q Who do you want to enroll besides yourself? A 2 little boys Robert Rose.
Q How old is Robert? A About 15 years old.
Q What is the next child's name? A James Rose.
Q How old is James? A James is about 12.
Q Are you married? A No sir, I am a widower.
Q Your wife not living? A Yes sir, she is living; we was divorced.
Q What is the mother's name of these children? A She is married again.
Q Who has got these children? A I have got them in custody.
Q Examined by Attorney Smith:
Q What was your wife's name when you married her? A Emily Dannenberg.
Q Have you a witness where who knew as to whom she belonged?
A Yes sir.
Q Did you know her during the war yourself? A No sir.
Q You can't state from your personal knowledge who she belonged to?
A No sir.
Q Nor where she was during the war? A No sir. I never got acquainted with her until after the war.
Q When did you get acquainted with her? A In the fall of '55, near the close of the war.
Q Where was she? A At Lawrence, Kansas.
Q In '55? A Yes sir.
Q How long did you stay in Lawrence after that? A I lived in Lawrence about, - let me see, about three years, I think it was '68 when I left there.
Q Did she leave Lawrence? A She left Lawrence in the fall of '66 the next year after the war closed.
Q Did she make any statement as to where she was going? A She was coming to the Nation with her mother.
Q Where did you marry her? A I married her in Lawrence, Kansas, the first time I married her, and I married her the second time in the Indian Territory.
Q How did you marry her in the Territory, under what law?
A Under the Cherokee law.
Q Have you got the certificate? A I have got a certified copy.
(Produces papers.)

Attorney Smith: I desire to offer a certified copy of a certificate of his marriage to his wife, issued by the clerk of Coconawawee District. (Hands paper to Cherokee Rep'r Bell, who examines it.)

Com'r Needles: The applicant presents a certified copy of marriage certificate certifying that he was married according to the laws of the Cherokee Nation on the 28th day of September, 1890, marriage license issued in '77 23th day of

December, and married by Samuel Wether, Minister of the Gospel, 24th of September 1886, to Emily Dandenberg.

Examined by Attorney Smith:

- Q Have you ever been recognized as a citizen of the Cherokee Nation? A Yes sir, I have been recognized, the rights to vote.
Q Have you voted in the Cherokee elections? A Yes sir.
Q Have you ever had any permits issued to you? A I don't think I ever applied; yes I have, but I have no copies of them.
Q You have had permits issued to you? A Yes sir.
Q About when, do you remember? A It has been 14 or 15 years ago, I never paid any attention to it.
Q Did you ever have any law-suits in the Cherokee courts?
A One, yes sir.
Q Who with? A Man named Curleyhead, Delaware citizen.
Q In what court? A Civil court it was then, held at Dog Creek, Cooweescoowee District.

Cherokee Rep'v'e Bell: I object to the introduction of this evidence, for the reason that it is not the best; the records could be obtainable, or showing ought to be made that they are not obtainable.

Com'r: Well, go on.

BY ATTORNEY SMITH:

- Q Well now, Mr. Rose, where do you live now? A I live five miles north of Lenapah, Cooweescoowee District, Cherokee Nation.
Q Are these two children, Robert and James, living with you?
A Yes sir, when I am at home they are.
Q Are these children on any of the rolls? A Yes sir.
Q Robert and James, what rolls? A They are both on the Kerns-Clifton roll, and I think one of them is on the Wallace roll, I am not positive.
Q How old is Robert? A 14, going on 15.

Kerns-Clifton roll of citizens of the Cherokee Nation examined for applicant's children and identified
page 146, #3619 Robert Rose, Cooweescoowee District.
page 146 #3621 Jim Rose, Cooweescoowee District.

1880 authenticated roll of citizens of the Cherokee Nation examined and applicant ~~is~~ not identified thereon.
1896 census roll of citizens of the Cherokee Nation examined and applicants not identified thereon.
Kerns-Clifton roll of citizens of the Cherokee Nation examined and applicant's former wife identified as follows:
page 146, #3616 Emily Rose, Cooweescoowee District.

Examined by Cherokee Representative, L.E. Bell:

- Q You don't claim anything but intermarried right? A And the right to enroll these two children.
Q When did you marry Emily Dandenberg first? A First time I married her I think it was in 1867, along in June.

FURTHER TESTIMONY IN THIS CASE TAKEN BY STENOGRAPHER
CHARLES VON WEISE.

M.D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(signed) M.D. Green.

Subscribed and sworn to before me this June 5th, 1901.

(signed) T.S. Needles,
Commissioner.

June 1st, 1901, CONTINUATION of the above.

By Chas. von Weise, Steno.
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Harry Still, being sworn by Com'r Needles, as a witness for the applicant, testified as follows:

By Mr. Smith:

- Q What is your name? A Harry Still.
- Q What is your post-office address? A Hayden.
- Q How long have you lived in the Cherokee Nation? A About 54 years.
- Q How old are you? A About 54 years old.
- Q Did you know Emma Rose or a woman who was the wife of John J. Rose? A Yes sir.
- Q What was her name before she married Rose? A Dannenberg.
- Q Was she a slave? A Yes sir.
- Q Who did she belong to? A Dick Dannenberg.
- Q Was he a Cherokee citizen? A Yes sir.
- Q Where was Emma Dannenberg when the war broke out? A She was living with her master then.
- Q Where? A In Flint.
- Q In the Cherokee Nation? A Yes sir.
- Q Do you know if she was taken out of the Cherokee Nation during the war? A Yes sir.
- Q Did she come back after the war? A Yes sir.
- Q When did she come back? A In the fall of '66 long about the last part.
- Q Who came back with her? A She came back with her mother, sister, brother, me, my mother, my sister, Reed Whitney.
- Q Where did you come to? A Come to Lightning Creek.
- Q How old was Emma at that time? A Her and Jane was both good sized girls-- young ladies.
- Q Who was their mother? A Tilda Dannenberg.
- Q Where did they locate when they came? A Stopped at a place now known as Hayden.
- Q And where is this woman Emma now? A She is living about 8 miles from Hayden in what is known as the Jim Martin settlement.
- Q Where does John Rose live? A Some six miles from Lenapah.
- Q How long has he lived there? A The first time that I saw those people I can't exactly fix the date, it was on California Creek over 20 years more than that; must have been in 75 or 76.
- By Bell-
- Q Was this Tilda Dannenberg married? A No sir, she was a widow.
- Q Where did she settle? A Near what is Hayden now.
- Q How long did she live there? A 5 or 6 years.
- Q And kept these children with her? A Not all the time.
- Q How long did she have them? A 2 or 3 years when she first came there.
- Q I mean Emma Rose. I am speaking of John J. Rose' wife? A That is true-- she kept Jim with her all the time.
- Q I am speaking of John J. Rose' wife? A That is who I mean.
- Q When did you come back to this country? A That first time.
- Q Yes sir? A In '65.
- Q And then you came back again? A Yes sir.
- Q In '65? A Yes sir.
- Q Are you on the 1880 roll? A I am a citizen all right and was admitted at Vinita.
- Q Are you on the roll of 1890? A I said I was a citizen all right.
- Q Who came back besides your family? A Reed Whitney, Joe King, Andy Rider,
- Lewis Whitmire. called and sworn as a witness for the applicant.
- By Mr. Smith.
- Q What is your name? A Lewis Whitmire.

J.J. Rose 4.

- Q Where do you live? A Hayden, T.T., on Lightning Creek.
- Q How long have you lived in the Cherokee Nation? A Never lived out of the Cherokee Nation.
- Q Do you know John Rose? A Yes sir.
- Q How long have you known him? A I have known him about 25 years.
- Q Do you know his wife Rosa? A Yes sir.
- Q What did she belong to before the war? A Mr. Dannenberg, and his family.
- Q Were they Cherokee citizens? A Yes sir.
- Q Where did they live? A I can't tell exactly if it was in Flint or Coalgasake, 2 or 3 miles from the line.
- Q How big was she when she came back? A I don't recollect how big but she was a small girl when the war commenced.
- Q She was out of the Cherokee Nation when the war was going on was she? A Yes sir I guess so.
- Q Where did you first see her after the war? A Her mother was at the old Harry Still place up on Lightning Creek.
- Q When did you first see her--with her mother? A Sometime in the winter of '68.
- Q Did you know who she was with? A With her mother.
- Q Did you come back to this country the same time Harry Still did or not? A No sir I came down same summer though.
- Q Do you know who brought this woman and these children to the Cherokee Nation? A No sir.
- Q How long did you continue to see them up around there? A They were there 3 or 6 weeks, taken a claim there, it was cold weather, they got dissatisfied and gave it up.
- Q Where did you next see them? A On Goose Neck Road, I was up there to the Chief election up there and seed them.
- Q Have you ever been to the Rose house at Lenapah? A No sir.
- By Bell.
- Q How far from the Harry Still place do you live? A Just a short mile just like going from here over in town.
- Q That was in 1868 that you was over there and saw these people? A Yes sir.
- Q How long did Mr. Rose stay there with her mother? A I just saw them there a short time.
- Q About how long? A 5 or 6 weeks.
- Q Where did she go then? A I don't know where she went, the next I heard of them was that they had a place up near Lenapah. I has never been to that place there, don't know where it is.
- Q You know that they have lived up near Lenapah though? A Yes sir.
- John Landrum called and sworn as a witness for the applicant.
- By Mr. Smith:
- Q What is your name? A John Landrum.
- Q Where do you live? A On Lightning Creek.
- Q What is your post office? A Hayden.
- Q How long have you lived there? A 30 years.
- Q How long have you lived in the Cherokee Nation? A I was birthed here and raised here.
- Q Do you know Rosa Rose who was the wife of John Rose? A Yes sir I am slightly acquainted with her.
- Q Did you know her before the war? A Yes sir I saw her a time or two.
- Q Was she a slave? A Yes sir.
- Q What did she belong to? A The Dannenbergs.
- Q Where was she when the war came up? A In Flint District.
- Q When did you first see her in the Cherokee Nation after the war? A On Lightning Creek.
- Q When? A Fall of '68.
- Q Who was she with? A Her mother Tilda.
- Q Do you know how long they staid in that neighborhood? A I think they must have staid there 4 or 5 years as near as I can recollect.

(5)

Q How far is it from where you saw them to Lewis Whitcomb? A 2 miles north east.

By Bell:

Q You say you knew Jim Rose before the war? A Yes sir I saw her.

Q About what size was she when the war came up? A Small.

Q Was she 4 or 5 years old? A I don't know, I was small myself.

Q About what age was she? A Might have been 7 or 8 I don't know.

Q Where did you see her before the war? A Where they lived on Flint.

Q Where did you live at that time? A On Spavinsaw, West side of Hayesville.

Q How far from Hayesville did the mill sit? A About 12 miles. On the mill race road right on Spavinsaw, the first Buffington place is where I was raised.

Q How far was that from the Dannenberg place? A It was a long ways.

Q How old are you Jack? A 59 as near as I can come.

Q What was you doing there at the Dannenberg place at that time? A My master carried me up there.

Q When was that? A That was a long before the war came up.

Q Well how long before the war came up? A I can't tell exactly.

Q It was not so long before the war came up though.

Q Who was your master? A At that time I belonged to Jim.

Q Jim Landrum? A No sir Jim Muskrat they called him.

Q What was he doing there at the Dannenberg place? A On business I guess.

Q Selling some of you? A No sir not exactly, I don't know, I never was sold in my life.

Q How many days did it take you to go up there from where you lived? A 2 or 3 days or more in wagons.

Q How long did you stay there after you got there? A 2 or 3 days.

Q Can you tell close to where they lived in Flint? A No sir I can't.

Q You got through with that visit and came back home and never saw her again until you saw her up there on Lightning? A Saw her mother in Fort Scott.

Applicant re-called and examined by Mr. Smith:
Q Where were you living in 1880? A On California creek, near the Whiskey crossing.

Q Were you and Fama living together then as man and wife? A Yessir.

Q Do you know why you wasn't put on that roll? A At the time the census takers came round in the spring of '75, the census takers was Dick Brock and Mr. Hicks, they come to the house and my wife was absent and I gave in her name and all the rest of the family; there was an order from the Chief or the Executive office for all those who had not met the census takers before to appear in at the district clerks and give in their census, and in '75 I taken my mother in law and went to the clerk and she gave them in and swore to it and approved it by John Freedman--that was the same year that Mr. Wallace made the roll of the freedmen that I went to Table Rock and got Mr. Rasmus to go and examine the office and see if my people was down and he did and the clerk there hold him the the district clerk, C.C. Lipe, had never sent in any such census reports.

By Bell:
Q That was in '75? A Yes sir, the time that Jacob Lipe was clerk he took the oath and they said that the first oath that he took then was that of this her woman's mother, Tilla Dannenberg.

By Smith:
Q Do you know why she was not placed on the 1880 roll? A Just rejected her then, they disputed her after that.

Q You were here at the time? A Yes sir.

By Com'r Needles: John J. Rose applied for himself and two children Robert and James Rose, and he didn't wait to get in.

of his marriage to the Cherokee Nation; the name of his wife is not found on the authenticated roll of 1880, but is found on the Kern Ollie and Wallace rolls; the names of the two children above named are by his said wife's name and are identified on the Kern Ollie roll; he makes satisfactory proof as to his marriage in the year 1880 according to the laws of the Cherokee Nation; they are all duly identified but for the reason that the name of the said family, Hennenberg, the wife of the said John J. Rose does not appear on the authenticated roll of 1880, and because of the fact that the Cherokee Nation protests the enrollment of these parties, the said John J. Rose will be listed for enrollment as a Cherokee Freedman by intermarriage on a doubtful card, and the two children James and Robert Rose will be listed for enrollment as Cherokee Freedmen on a doubtful card, and the final decision of the Commission will be made known to them by mail.

Chas von Weiss, being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full this portion of the testimony as indicated as having been taken by him, and that the foregoing is a full, true and correct transcript of his stenographic notes thereon.

Subscribed and sworn to before me this 6th of June, 1901, at Chelsea, I. T.

(Signed) Chas. von Weiss

(Signed) T. E. Maguire,
Commissioner

M. D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he made the foregoing copy and that same is a true and complete copy of the original transcript.

Subscribed and sworn to before me this 7th of June, 1901.

[Signature]

COMMISSIONER
Notary Public

(6).

of his marriage to Mrs. Dannenberg according to the laws of the Cherokee Nation; the name of his wife is not found on the authenticated roll of 1880, but is identified on the Kern Clifton and Wallace rolls; the names of the two children above named are by his said wife Emma and are identified on the Kern Clifton roll; he makes satisfactory proof as to his marriage in the year 1880 according to the laws of the Cherokee Nation; they are all duly identified but for the reason that the name of the said family Dannenberg, the wife of the said John J. Rose does not appear on the authenticated roll of 1880, and because of the fact that the Cherokee Nation protests the enrollment of these parties, the said John J. Rose will be listed for enrollment as a Cherokee Freedman by inter-marriage on a doubtful card, and the two children James and Robert Rose will be listed for enrollment as Cherokee Freedmen on a doubtful card, and the final decision of the Commission will be made known to them by mail.

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Chas von Weise, being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full that portion of the testimony as indicated as having been taken by him, and that the foregoing is a full, true and correct transcript of his stenographic notes therein.

(signed) Chas. von Weise.
Subscribed and sworn to before me this the 6th of June, 1901, at
Chelsea, I. T.

(signed) T. E. Needles,
Commissioner.

M. D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he made the foregoing copy and that same is a true and complete copy of the original transcript.

M. D. Green
Subscribed and sworn to before me this November 19th, 1901.

[Signature]
COMMISSIONER.
Notary Public.

Department of the Interior,
Commission to the Five Civilized Tribes,
Oklahoma, I.T., June 5, 1901.

In the matter of the application of Matilda Smith for the enrollment of herself as a Cherokee Freedman; being sworn and examined by Commissioner Needles, she testified as follows:

Appearances:

Mr. Smith, for applicant, (or Hallette & Smith)
W.V. Hastings, for Cherokee National.

- Q What is your name? A Matilda Smith.
Q How old are you? A 38.
Q What district do you live in? A Cooweescoowee.
Q What is your post-office address? A Hallette.
Q You apply to be enrolled as a Cherokee Freedman? A Yes sir.
Q You want to enroll anybody besides yourself? A No sir.
Q Are you married? A No sir.
Q Did you ever try to be enrolled in any other tribe or nation?
A No sir.
Q What is your father's name? A Charles Smith.
Q What is your mother's name? A Jane Smith.
Q You born and raised in the Cherokee Nation? A Yes sir.
Q You always lived in the Cherokee Nation? A Yes sir.

Kern-Clifton pay roll of citizens of the Cherokee Nation examined and applicant identified thereon as follows:
page 147 #3629 Matilda Smith, Cooweescoowee District.

Wallace roll of citizens of the Cherokee Nation examined and applicant identified thereon as follows:
page 136 #2899 Matilda Smith, Cooweescoowee District.

- Q By Cherokee Rep'te W.V. Hastings: Are you married? A No sir.

Com'r Needles: Matilda Smith applies for the enrollment of herself as a Cherokee Freedman; she is not identified upon the authenticated roll of 1880 or the census roll of 1898, but is duly identified upon the Kerns-Clifton and the Wallace rolls; she avers that she was born and raised in the Cherokee Nation, and that she is the daughter of ex Charles and Jane Smith, who were listed for enrollment this day on D card 814; she avers that she is a niece of Emily Nolan who was duly listed for enrollment on D card 811, and of John Rose, who was duly listed for enrollment on D card 474; the testimony taken in said cases will be made a part of the record in the case at bar, and a copy thereof will be filed with the application now being made; she will be further notified in due time of the decision of the Commission in her case.

M.D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this June 7, 1901.

Madison

Commissioner.

Department of the Interior,
Commission to the Five Civilized Tribes,
Chelsea, T.T., June 5, 1901.

In the matter of the application of Charles C. Smith for the enrollment of his wife and six children as Cherokee Freedmen, and for the enrollment of himself as a Cherokee Freedman by intermarriage; being sworn and examined by Commissioner Needles, he testified as follows:

Appearances:

Smith, of Pellette & Smith, for applicant;
W.W. Hastings, for Cherokee Nation.

- Q What is your name? A Charles C. Smith.
Q What is your age? A 35.
Q What is your post-office address? A Willott, I. T.
Q What district do you live in? A Cooweescoowee.
Q You apply to be enrolled as a Cherokee Freedman? A I apply to be enrolled as an adopted citizen.
Q Citizen by intermarriage? A Yes sir.
Q For whom do you apply besides yourself? A My wife and children.
Q How many children? A I have got ten children altogether, but there's some of them will enroll themselves.
Q Well, how many have you got under age? A Six, I believe.
Q What is your wife's name? A Jane Smith.
Q How old is she? A I don't know her age exactly, but somewhere about 45 or 6, best of her knowledge.
Q Is she a recognized citizen of the Cherokee Nation? A I can't say exactly to whether she is or not; she was admitted at one time to the admitted roll, but after that I understood that she had been erased by some means or other, I don't know what.
Q Does her name appear upon any of the rolls? A Yes sir, she appears on the Wallace roll and the Kerns-Clifton roll.
Q Give me the names of your children, those that are under age? A Chester Smith.
Q How old is Chester? A 19.
Q Next child? A Frank Smith.
Q How old is Frank? A 17.
Q Next one? A Bertha Smith.
Q How old is Bertha? A 15.
Q Next one? A Catherine.
Q How old is Catherine? A 12.
Q Next one? A Curtis.
Q How old is Curtis? A Eight.
Q Well? Next one is Melvola.
Q How old is Melvola? A Five.
Q Are these children all living at this time? A Yes sir.

Kerns-Clifton pay roll of citizens of the Cherokee Nation examined and applicants identified thereon as follows:
page 147 #3627 Jan. Smith, Cooweescoowee District;
page 147 #3630 Chester Smith, Cooweescoowee District;
page 147 #3631 Frank Smith, Cooweescoowee District;
page 147 #3632 Bertha Smith, Cooweescoowee District;
page 147 #3633 Catherine Smith, Cooweescoowee District.

- Q Did you draw for Curtis? A No sir.
Kerns-Clifton pay roll of citizens of the Cherokee Nation examined for child, Curtis, and name not found.

Wallace roll of citizens of the Cherokee Nation examined and applicant identified thereon as follows:
page 138 #2894 Jane Smith, Cooweescoowee District;
page 138 #2900 Chester Smith, Cooweescoowee District.

Charles G. Smith et al 2

Village roll examined for Frank Smith and name not found;
1896 census roll of citizens of the Cherokee Nation examined
and applicants not found thereon;
1890 authenticated roll of citizens of the Cherokee Nation
examined and applicant not identified thereon.

Examined by Attorney Smith:

- Q Mr. Smith, what was your wife's name before you married her?
A Her name was Jane Dannenberg.
Q How long have you and your wife been married? A We have been
married thirty-one years I believe, to the best of my knowledge
this last April past.
Q Have you been living together all the time since you were mar-
ried? A Yes sir.
Q These children whose names you have mentioned, have they been
born to you and your wife while you have been married? A Yes sir.
Q Have you any other children other than those six whose names
you have given? A Yes sir.
Q What are their names? A The oldest one living is named Pearl
Smith.
Q Is she married or single? A No sir, it is a boy, yes sir, he
is married, he is here on the ground.
Q What is the next one? A Next one is Cora, she is married.
Q What is her name now? A She is named Cora Morris.
Q What is the next one? A Matilda.
Q Married or single? A She is single, lives with me.
Q Next one? A Oldest child I have is Elvora, she is single and
lives with me.
Q Ever been married? A No sir.
Q Where do you live? A I live in the neighborhoods of Hickory
Creek, Cherokee Nation.
Q How long have you lived there? A I have lived there and in the
vicinity around about there, that is from there to California
Creek, for about 26 or 27 years, I judge, something like that. Maybe
more, or maybe little less. Somewhere along in there though,
I have been living in that neighborhood, about 27 to the best of
my knowledge, I believe, or 8.
Q What did you say your wife's name was before you married her?
A Jane Dannenberg.
Q Did she have any sisters or brothers? A She had one sister, and
one brother.
Q What was her sister's name? A Emily Dannenberg.
Q Who did she marry? A She married a man named John J. Rose.
Q Is she the woman who was on the stand just before you came
on? A Yes sir.
Q Has your wife any brothers? A Yes sir, one.
Q What is his name? A James Colbert.
Q How long had you been acquainted with her your wife, when you
married her? A I had been acquainted with her about three months,
I judge as near as I can guess, maybe not quite so long.
Q How long have you lived in the Cherokee Nation? A I have lived
in the Cherokee Nation, that is, continuously, I have lived in the
Cherokee Nation since '73, I believe, made it my continual home
since that time.
Q Where did you marry your wife? A I first married my wife in the
state of Kansas.
Q Did you marry her more than once? A Well not exactly married
her, I got a license.
Q Did you get a license to marry your wife in the Cherokee Nation?
A Yes sir.
Q In what district? A Cooweesepowee District.
Q Did you marry your wife then in pursuance of that license?
A Yes sir.
Q Whereabouts? A Did I marry her you mean--

Q In accordance with that license you got in Coowesscovee District?

A I never had the ceremony performed, I only got the license, and on inquiry, I went to get the preacher to marry me, and on inquiry, Cherokee Representative W. V. Hastings, I asked what he is going to state what the preacher or somebody else told him--

Applicant: I am going to state what I know to be the fact.

Can't Needles State it.

Applicant: Continuing answer: I went to get married, and when the preacher inquired for my license they were lost; I had lost my license and, of course, consequently I couldn't obtain a license, that was the reason I wasn't married under this license I bought, but after that time I went to the clerk I think and made a statement that my license were lost, and asked for a copy so as to perform the ceremony, and he didn't give them to me, refused to give them to me, and after it allowed it made no difference, it was on the book and that satisfied the law; that's what Mr. Lips told me, that that satisfied the law, and I had bought them and paid for them, and as I were already married that it wasn't necessary and there was no law to compel a man to marry over again.

Cherokee Rep'v Hastings, W. V.: I object, I am going to have this objection; I must not be run over that way; when I object it is courteous for attorneys to wait. Comes now the Representatives of the Cherokee Nation and moves that that much of the witness's testimony relating to what Mr. Lips told him be stricken from the record, as it is partly hearsay. Attorney Smith: I will state in that connection that the only proof of the testimony would be of some other testimony that's all related and the testimony is with reference to an instrument which he says is lost, and I think it is competent for us to state the facts in connection with it.

Can't Needles: The objection is entered there.

Q By Smith: Did you get any paper from any of the Cherokee officials with regard to the recording of any marriage license issued to you? A Yes sir.

Q Is that the paper? (Hands paper to applicant) A Yes sir, that's the paper.

Attorney Smith: I would like to offer in evidence the paper. (Hastings examines paper and hands it back to Smith.)

Smith: Applicant desires to offer an instrument under the seal of the Coowesscovee District, signed by Joe M. Lahay, clerk of said district.

Cher. Rep'v Hastings: If the court please, here is the point I want to object to; I don't want the contents of this paper stated, because if it is ruled out you have got the contents in; let him offer a sufficient amount to identify the paper, then the paper speaks for itself, but if he gives all that is in the paper, there is no need to introduce the paper, it is already in. He shows enough to identify the paper.

Can't Needles: That's all that is necessary.

Smith: Continuing, for the purpose of showing that a license which is stated by the witness to be lost, was issued by the Cherokee Nation, permitting said applicant to marry his wife according to the laws of the Cherokee Nation.

Cherokee Rep'v W. V. Hastings: Come now the Representatives of the Cherokee Nation, and object to the above, as being an outrageous proceeding in the attempt to get a paper introduced into this record which does not show from the record or proof, but the attorney.

Second: The paper admitted to be introduced shows upon its face that it was simply an affidavit made before George T. Nave, on the 6th day of August, 1897, and affidavits have always been excluded from the testimony, and the fact that an affidavit has been recorded in the clerk's office does not give it any more strength before the commission.

Applicant. Mr. D.W. Lipe, give me that.

Smith: I don't consider anything an extract which has been issued by any of the Cherokee officials and which bears the seal of the Cherokee Nation. We are trying to establish the fact of a lost paper, and the only other evidence in the world is in the possession of the opposite party; that in itself would make it inadmissible.

Com'r Needles: The policy of the Commission has been, and the rule of the Commission, has been not to permit affidavits of this kind nor of any other kind, but as far as the certificate on the back, I think the indorsement on the back could be admitted, but I don't think the affidavit can.

By Cherokee Dep'tve Hastings: I agree that what's on the back should be read to the clerk, and let the other be withdrawn.

Com'r Needles: Yes, that's right; paper is presented with the following indorsement:

Mr. Smith: "Recorded on page 241, Book B Records of Marriages Cooweescoowee District, C.N., signed, Joe M. Lipe, clerk Cooweescoowee District, by E. Lee Comer, Deputy Clerk, and bearing the seal, Cooweescoowee District, Cherokee Nation. Justice."

Applicant further examined by Attorney Smith:

Q Now, Mr. Smith, you wanted to make a statement, what was the statement? A The statement I want to make to Mr. Hastings is this: That I went to Mr. D.W. Lipe, and called his attention to and made him recollect of issuing me a license.

By Hastings: Q Is Mr. Lipe alive? A Yes sir.

Q Living in Cooweescoowee District? A Yes sir.

Q His post-office is Claremore? A Yes sir.

By Hastings: I am going to object to your further statement.

Mr. Lipe should have made to him.

Mr. Smith: I think it is fair to let him state what he did.

By Hastings: You haven't shown that this record is lost.

Com'r Needles: I don't think it is necessary to be so technical about this matter; all we want to get is the facts in the case. I think you had best produce the best testimony you can get; there is no trouble about getting Mr. Lipe here as a witness.

Attorney Smith: I will ask for a subpoena, because I don't think we could get him without one.

Com'r Needles: We will issue a subpoena to D.W. Lipe, to appear instantly.

Applicant examined by Attorney Smith:

Q You made some statement here about having been admitted with your family at some time, what did you mean by that? A I went before the Cherokee National Council or Committee that set for the Cooweescoowee District.

Q When did you do that? A I think if my memory serves me right it was in '93 as well as I can recollect in the winter of 1893, just after Christmas, first part of 1893.

Q What was your statement about your names being put down and taken off? A I said I went before the National Council with evidence and was admitted by the Commission, and by some unknown cause I don't know what, that I were, from then, that the names were erased by red ink acrossed them, after being accepted.

Q How long you have lived in the Cherokee Nation how long? A To the best of my recollection it has been somewhere 27 or 28 years; somewhere along there, I don't know exactly, but somewhere along in that neighborhood, that is myself I have reference to my own.

Q I know; where is your wife now? A My wife is at home, Cooweescoowee District.

Q Why isn't she here? A She was here on the ground and on my children got very sick, and they sent for her and I both, to come forthwith, and I taken her home, and had to leave her there on account of the child.

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- Q On account of sickness in your family? A Yes sir.
Examined by Cherokee Representative, W.W. Hastings:
Q How far do you live from Nowata? A I live, let's see, 12 and
5 is 17 miles.
Q What direction? A North.
Q How far do you live from here? A It must be between 40 and 42
miles I judge, the way you have to go.
Q What is your oldest child's name? A Rinora Smith.
Q How old is she? A She was 30 I think this birth-day.
Q What is your next oldest child named? A My next oldest child was
named Walter.
Q How old was Walter? A I think he was 28, if he had been living;
he is dead.
Q What is the next one? A Pearl.
Q How old is she? A 26.
Q You didn't know your wife before the war? A No sir.
Q You first met her after the war? A Yes sir.
Q When ~~was first met~~ did you first see your wife? A I first see my
wife along about February I think, of '70, I think it was in the
month of February, as well as I remember.
Q In what year did you marry her? A In '70.
Q Where did you marry her? A In Kansas.
Q Where was Charley born, your oldest son? A My oldest son was
born on California Creek.
Q In the Cherokee Nation? A Yes sir.
Q Where was the next one born? A My next one was born on Califor-
nia Creek.
Q In the Cherokee Nation? A Yes sir.
Q Where were you? A I was there when they were born.
Q Where were you living? A On California Creek, Cherokee Nation.
Q How old was your oldest child? A 30 last birth day.
Q Rinora? A Yes sir.
Q Where was she born? A I am told she was born on Grand River, I
wasn't here myself.
Q Where were you living at the time she was born? A I was in
Topeka, Kansas.
Q Where did you move from when you moved here 27 years ago?
A I came from Kansas here myself, and I come from Kansas when I
married; I come from Kansas directly here then I went back to my
work again.
Q And you stayed up there about four years? A No sir, I did not
stay, I stayed there about-often and on, I guess about a year and
a half.
Q You said your oldest child was 30, and you were married in '70
and you said you come here 27 or 8 years ago? A Yes sir, some-
where along there.
Q How long after you were here the second time until you applied
for this license, I mean after you moved down here? A I never ap-
plied for my marriage license here until '74.
Q Who was clerk then? A B.W. Lips.
Q He issued it did he? A Yes sir.
Q Where was Mr. Lips living then? A He was living near Dog
Creek, somewhere down on Sweetwater, somewhere down there.
Q You had been here how long then? A I had been here nearly two
years I think, myself, before I made any application for any--
Q Your wife lived with you up in Topeka? A No sir, she did not,
only about, I think we married in April and I started down to the
Territory, in the month of May sometime during ~~the~~ May, I recollect
I got here on the first day of June.
Q Who was your wife living with up there when you married her?
A She was working for a family named Galletta.
Q Where was her mother? A Down here; at least I found her here
when I come.
Q When you and your wife first located you come to California
Creek did you? A No sir.
Q Where? A To Lightning Creek, where my mother-in-law lived.

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Q Did you?

A No sir.

Q Was she living on Lightning Creek then? A At that time, yes sir.

Q Was she in '73 or '74? A That was in '70 at that time when I

first came here with my wife, it was in '70.

Q But your wife didn't go back with you? A No sir.

Q She never stayed up there in Kansas with you any? A No sir, she

never stayed up there with me at all.

Q You were her husband all the time? A Yes sir.

Q Where did you live, first located in Kansas? A Where did you have

your home first? A I first located a home on California Creek.

Q When was that? A In '75.

Q You have owned it since? A No sir, I sold it about ten or 12

years, 12 years, probably, I don't know.

Q Where did you go then? A I went below there about three miles,

made me another place.

Q Do you live there now? A No sir, I am the place, my own home

there, I don't live there myself, I live on Lightning Creek, about 10

miles above there, north.

Q You went before the Council to be re-admitted? A Yes sir.

Q Who composed that Commission, that you went before? A R. B. Sanders was the Chairman of the Commission, and the other members

I didn't know them.

Q R. B. Sanders, Senator from this district? A Yes, I was ac-

quainted with him.

Q That was only a committee of the Council? A It was a Commission,

Court they called it for applications to be appear before them

for citizenship, so I was informed.

Q They were members of the Cherokee Council? A Yes sir, they were

members of the Cherokee Council at the time.

Q You were advised that this was a committee of the Council?

A I don't know that I was or that I wasn't.

Q You don't remember now all the rest of them? A No sir, I wasn't

acquainted with any of them but R. B. Sanders.

Q You never got any paper showing that you was admitted to cit-

izenship, is that right?

A No official paper.

Q No official act of the Council? A No sir.

Q Now do you claim that you have been living here continuously

since '73? A Yes sir.

Examined by Attorney Smith:

Q You speak with reference to yourself, when you say since '73?

A Yes sir, I speak with reference to myself.

Q Where were you from? A I was formerly from Ohio to Kansas; born

and raised in Ohio.

Attorney Smith; I think, if the Court please, that the testi-

mony taken in John J. Rose case, covers this case, but if after

reading that I find it is necessary to introduce another wit-

ness I want to do that.

Cherokee Rep'sve Testimony: Examining Applicant:

Q Were you ever married before? A No sir, I never was.

Con't Needless The applicant applies for himself, as a

Cherokee Freedman; by intermarriage, and his wife is a Cherokee

Freedman and he also applies for six children, Chester, Frank,

Martha, Catherine, Curtis and Melvols Smith; the name of his

wife cannot be found upon the authenticated roll of 1830 or

the census roll of 1850. In duly identified upon the Kerm-

Clifton and the Wallace rolls; the names of his children are

duly identified on the Kern-Clifton roll, except Curtis and Mar-

tola; it will be necessary for him to file satisfactory proof

of birth of said children, their names not appearing in any

roll; they all make satisfactory proof as to residence; and

consequently, Charles C. Smith will be listed for enrollment

as a Cherokee Freedman by intermarriage on a doubtful card,

his wife, Jane, and her children as enumerated herein will

be listed for enrollment as Cherokee Freedmen on a doubtful card, -in this connection reference is made to the testimony taken in the matter of the application of John J. Rose for the enrollment of himself and children, who were listed for enrollment on D card 474, the testimony taken in said case will be made a part of the record in this case at bar, and a copy of same will be filed with the application now being made; reference is also made to the testimony taken in the matter of the application of Emily Nolan for the enrollment of herself and child, which is duly listed for enrollment on Cherokee Freedmen doubtful card 611, said testimony will be made part of the record in the case at bar; applicant will be notified of the decision of the Commission when arrived at.

M.D.Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(signed) M.D.Green.
Subscribed and sworn to before me this June 6, 1901.

(Signed. T. T. Needles,
Commissioner.

Department of the Interior,
Commission to the Five Civilized Tribes,
Chelsea, I.T., June 5th, 1901.

In the matter of the application of Charles Smith et al C.F.D# 514.

SUPPLEMENTAL TESTIMONY ON THE PART OF THE APPLICANTS.

W.F. Hastings, present for Cherokee Nation.

Mellette & Smith, present for applicant:

HARRY STILL, called and sworn as a witness by Commissioner T.B. Needles, testified as follows for the applicants:

By Mr. Smith:

- Q What is your name? A Harry Still.
- Q Where do you live? A Hayden.
- Q Do you know Jane Smith? A Yes sir.
- Q Do you know Charles Smith? A Yes sir.
- Q Do you know this Charles Smith, who stands here? A Yes sir.
- Q Who was Jane Smith before she married? A Tilda Dannenberg.
- Q Was she a slave? A Yes sir.
- Q Who did she belong to? A Dannenberg.
- Q Was he a Cherokee Indian? A I don't know if he was intermarried or an Indian, he was Dick Dannenberg's father and Dick was an Indian.
- Q Was he a citizen of the Cherokee Nation? A Yes sir.
- Q You testified in the John Rose case? A Yes sir.
- Q Is the Jane Dannenberg that you referred to in that case the same Jane Dannenberg ~~that~~ ~~xxx~~ who is the wife of Charles Smith? A Yes sir.
- Q When did you first see Jane Dannenberg in the Cherokee Nation? A After the war? A I brought her here in '66.
- Q Who else did you bring along? A Her mother and sister and brother.
- Q What was her mother's name? A Tildy Dannenberg.
- By Hastings-
- Q How long did they live up there? A 5 or 6 years.
- Q Right at that same place? A Yes sir.

Q I believe that you testified that you bought the place afterwards? A Yes sir.

Q What became of her? A She died after she left there.

Q You mean this man's wife? A No sir, her mother, his mother in law.

Q I mean his wife? A She is now sick.

Q Did she come in that crowd? A Yes sir.

Q How long did she live there? A 8 or 9 months and then went away and when she came back they was married.

Q She had a child then too? A I don't know if she did or not.

Q Right or nine months is your best judgment as to how long she staid there? A No sir she was gone 8 or 9 months and then come back.

Q With this man? A Yes sir.

Q That was 8 or 9 years after the war then? A No sir, that was in '70.

Q When did she go off that time for 8 or 9 months? A In 69 sometime.

Q Then she only staid there 3 years before she went away? A Put her mother staid there all that time.

Q But I mean her? A She must have staid there 3 or 4 years up to the time that she went away and married.

Q There has Smith been living since she came back with him? A Right in the Nation.

Q You are positive of that? A Yes sir.

Q Didn't she have a child when she came back that time? A I don't know if she did or not.

By Smith-

Q About how old was she when she came back after the war? A 16 or 17 years old.

Q And she lived there 3 or 4 years you think? A Yes sir.

Q How long did you say she had been gone when she came back.

Q Some time in 69 or first of 70 she went away.

Q How long had she been away before you saw her again? A Not so very long when she came back with this man.

Chas. von Weisse, being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes therein.

(signed) Chas. von Weisse.
Subscribed and sworn to before me this the 8th of June, 1901, at Chelsea, I. T.

(signed) T. B. Needles,
Commissioner.

SUPPLEMENTAL: in D-614.

Department of the Interior,
Commission to the Five Civilized Tribes.
Chelsea, I. T., June 5, 1901.

In the matter of the application of Charles C. Smith, et al, for enrollment as Cherokee Freedmen; Charles S. Smith, being called and having been duly sworn before by Commissioner Needles, now being examined by Cherokee Representative, W. W. Hastings, states:

Appearances:

Smith, of Mellette & Smith, for applicant;
Hastings, for Cherokee Nation.

Q What witness did you have at Tahlequah when you went down there and applied in 1893, as you stated, when Mr. Ed Sanders was Chairman of the Committee or Commission? A I had Mr. Richard Dunningberg, French wife's young master, so said to be, I don't know; and David French.

Q Were those the only ones you had? A I am not positive; probably George Vann, I won't say positive George was present; there were several present.

By Attorney Smith:

Q Richard Dannenberg, you say, Yes sir.

M.D. Crook, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this June 7, 1901.
(signed) M.D. Crook.
(signed) C.R. Breckinridge,
Commissioner.

Department of the Interior,
Commission to the Five Civilized Tribes,
Cholera, I.T., June 3, 1901.

In the matter of the application of Emily Nolen for the enrollment in the matter of the application of Emily Nolen for the enrollment of herself and one child as Cherokee Freedmen; being sworn and examined by Commissioner Needles, she testified as follows:

Appearances:

Smith, of Kellette & Smith, for applicant;
W.W. Hastings, for Cherokee Nation.

Q What is your name? A Emily Nolen.
Q How old are you? A About 50, I guess.
Q What is your post-office? A Ruby.
Q What district do you live in? A Coowasee, wee.
Q You apply to be recognized as a Cherokee Freedman? A Yes sir.
Q Who do you want to enroll besides yourself? A Well I can't enroll only them that's under age can I.
Q That's all.

Examined by Attorney Smith:

Q What children do you want to apply for? A Jessie Rose.
Q Now the next one? A That's all, if you don't let me enroll the boys.
Q Have you any other child that's under age, not grown? A No sir, they are all grown but them three.
Q All except Robert, James and Jessie? A Yes sir.
Q Well, Robert and James have already been applied for by your husband, John J. Rose, so you just apply for yourself and Jessie?
A Well, sir.

Examined by Commissioner Needles:

Q How old is Jessie? A Seven or eight, seven years old I guess.

Examined by Attorney Smith:

Q What is your name now? A Emily Nolen.
Q Were you the wife of John Rose? A Yes sir, I was.
Q How long did you and John live together, about? A I don't know.
Q What children were born to you and John Rose while you were living together? A All my children are his.
Q Give their names? A Charlie, Carrie, Willie, Mary, Geneva, Robert, Elmie and Jessie.
Q Did you and John separate? A Yes sir.
Q When did you separate? A About four years ago.
Q Where was Robert born? A On California Creek, in the Cherokee Nation.
Q Where was James born? A On Hickory Creek, Cherokee Nation, the same neighborhood.
Q Robert, James and Jessie are living with you? A Yes sir.
Q Where does Geneva live? A She has been living on Lightning Creek.
Q Is she married? A She has been married, but aint now.
Q Where is she living now? A She is living on Lightning.
Q Where does Mary live? A On Lightning.
Q Is she married? A Yes sir.
Q What is her name now? A Mary Blackburn.
Q Where does Will live? A He lives on California Creek, near Ruby post-office.
Q Where does Carrie live? A She lives on Salt Creek, close to Ruby post-office.
Q How far from Ruby? A About a mile and a half.
Q Is Carrie married? A Yes sir.
Q What is her name now? A Freeman. She married George Freeman.
Q Where does Charles live? A He lives near Coffeyville in the Cherokee Nation, on the Verdigris.

- Q You apply for yourself and Jessie do you? A Yes sir.
- Q What was your name before you were married? A Before I married the first time?
- Q Yes sir? A Dannenberg.
- Q Were you born a slave? A Yes sir.
- Q What did you belong to? A I belonged to Dannenberg.
- Q Was he a Cherokee? A Yes sir.
- Q Where did you live before the war? A In Flint, Cherokee Nation.
- Q Were you taken out of the Cherokee Nation during the war? A Yes sir.
- Q When did you come back? A I come back in the fall of '66.
- Q What did you come back with? A I come back with my mother and brother and sister.
- Q What was your sister's name? A Jane Smith it is now.
- Q Anybody else with you? A Uncle Dave French.
- Q What family did your father and mother have at that time at the time you came back here, who were the members of that family?
- Q That I belonged to?
- Q Your father's family, you mentioned your sister, Jane Smith?
- Q And my brother, James Colbert; there wasn't but three children.
- Q Where did you come to when you come back? A Come to Lightning Creek.
- Q How old are you, you say? A I am about 50 I guess.
- Q You don't know your age? A No sir.
- Q Can you remember how big you were when you came back to the Nation after the war? A I guess I was about 11 years old.
- Q You don't know exactly? A No sir, I don't know my age.
- Q Were you not grown? A No sir, I wasn't grown.
- Q Where does your sister, Jane Smith, live? A She lives on Hickory Creek, about nine miles below Coffeyville, in the Cherokee Nation.
- Q What is her husband's name? A Charley Smith.
- Q When does James Colbert, your brother, live? A He lives near Bartlesville, in the Cherokee Nation.
- Examined by Cheapeake Representative, W. Hastings:
- Q You say you belonged to Dannenberg? A Yes sir.
- Q Where did you live before the war? A I lived in the Nation, down the river to Flint.
- Q Yes to Flint? A Yes sir, I don't know what.
- Q Did Dannenberg live in that district? A No sir, I don't know.
- Q Did Dannenbergs have any children? A Yes sir.
- Q What were the names of some of them? A His oldest girl was named Mary Ann and the oldest boy was named Henry.
- Q You were living with them at that time? A Yes sir.
- Q What did your brothers and sisters belong to? A Same person.
- Q And then you have mentioned belonged to the same person? A Yes.
- Q And he was living in Flint District? A I guess it was Flint.
- Q I don't know, but I remember it was near Flint.
- Q How big were you when the war came? A I was quite small.
- Q I don't know, remember anything about the dates then? A I know the dates when I see them, but I can't remember no dates that far.
- Q You were not married when you come back here then? A No sir.
- Q When did you marry John Rose? A I don't know just when.
- Q How long after you come back here? A I guess about 4 or 5 years.
- Q How long after he was in Kansas then? A Yes sir, I married him in Kansas.
- Q Then you married him before you came here? A I came down here and then I went back and I married him when I went back.
- Q Where did you come to when you came down here the first time?
- Q I come to Lightning Creek.
- Q Your father alive then? A I don't know anything about my father.

- I never saw him.
- Q What was your mother's name? A Tilda Dannenberg.
- Q She came down with you then? A Yes sir.
- Q Just you and your mother and brother and sister? A Yes sir, and Uncle Dave Frances.
- Q He was along? A Yes sir, and Larry Still.
- Q He was along? A Yes sir.
- Q How long did you stay down here when you come? A I went back I guess it was in the summer.
- Q What time did you come down? A I came in the fall.
- Q And you stayed here then until the next summer? A Yes sir.
- Q Then you lived in Kansas about four years? A No sir, I didn't stay there until September, I guess about September, and I come back.
- Q Well, you said you married up there? A Yes sir, I married up there.
- Q Didn't you state awhile ago it was about four years after you come down here until you married? A I mean it was four years from the time I come down here the first time.
- Q That's what I meant? A Well I didn't stay up there no four years.
- Q Well you come down here the first time, and you say you went back the following summer? A Yes sir.
- Q Was it about four years when you first came down here after the war that you married Rose? A I come down here the first time with my mother and sister, and I stayed until along in the summer, and I went back and stayed there until along in the fall and I stayed there until in the fall and then I come back and I married up there and I come back that fall.
- Q Was you ever married before? A No sir.
- Q Was Rose ever married before? A Not as I knows of.
- Q He was a state man? A Yes sir.
- Q He went back to Kansas with you? A A young man by the name of Ned Whitney.
- Q Was he any relation to you? A No sir.
- Q How did you two happen to go back together? A There was another girl went with us.
- Q What place in Kansas did you go to? A We went back to Lawrence.
- Q You were married in Lawrence? A Yes sir.
- Q What year were you married? A I can't tell the dates, I was married, I can't tell how long I have been married and when I did marry.
- Q You can't tell the year you was married in but you could tell the fall you come back here? A Oh yes, I can tell that, because I heard so much talk about it.
- Q You didn't hear so much talk about your marriage? A No sir.
- Q What is your oldest ~~daughter~~ child's name? A Charley Rose.
- Q How old is Charley? A I guess he is about 29.
- Q Where was Charley born? A He was born in the Nation.
- Q Where? A He was born on Grand river.
- Q Who were your neighbors then? A My aunts.
- Q What was their names? A Aunt Mary Ruffington.
- Q You were living then over on Grand river? A No I just went down there on a visit.
- Q How long had you been in the Nation then? A I don't remember.
- Q Where was your next child born? A On California Creek.
- Q What was his name? Next one to the eldest child was? A Carrie Freeman.
- Q She was born on California Creek? A Yes sir.
- Q How far down from Coffeyville? A About 15 miles.
- Q What direction? A South.
- Q Have you been living at that place ever since? A Right around in the neighborhood ever since.
- Q Whereas Carrie Freeman married? A She was married on Hickory Creek.

- Q She ever live in Kansas? A No sir.
- Q Did Charley ever go back to Kansas? A No sir.
- Q Who did you and your mother live with the first fall after you came back here? A We stayed at Aunt Mariah Hayden's.
- Q Did you live in the house with her? A Yes sir. We lived in the house with her awhile, and we had a little house.
- Q Who was living with aunt Mariah Hayden? A Why this man Reed Whitney, and this Andy Rider, and her son.
- Q That was in the fall of '86 was it? A Yes sir.
- Q Where was your aunt Mariah Hayden living then? A Why close just close to where she is living now, I don't know just where the place is, I couldn't tell where, just where the place is now.
- Q It was on the same place, but a different house? A Somewheres along there, I have never been there for a long time, and I don't know.
- Q She had a house built did she? A I suppose she had I don't know.
- Q You don't know whether they were living in a house or not?
- A Oh yes, I know they were living in a house, but I don't know how they got it.
- Q You know how long they had been living there when you come?
- A No sir.
- Q Had they raised a crop there, patch? A I guess they had a garden patch, but it has been so long I don't remember.
- Q Was Mr. Hayden there? A I don't think he was at that time; you see I was small and then I can't remember very much noway.

Kerns-Clifton pay roll of citizens of the Cherokee Nation examined and applicant and child identified as follows:

page 146 No. 3616 Emily Rose, Cooweescoowee District;

page 146, #3622 Jess Rose, Cooweescoowee District.

Wallace roll of citizens of the Cherokee Nation examined and applicant identified thereon as follows:

page 137 #2859 Emma Rose, Cooweescoowee District.

Examined by Commissioner Needles:

Q What is your present husband's name? A Manuel Nolen.

Q What was Rose's name? A John Rose

Com'r Needles: Emily Nolen applies for the enrollment of herself and child Jessie Rose; she cannot be identified upon the authentic ted roll of 1890 or the census roll of 1890, but is duly identified upon the Kern-Clifton and the Wallace rolls, as Emily Rose, that having been her name by former marriage, and to one John Rose, from whom she is now divorced; she has since married one Manuel Nolen; by her first marriage to said John Rose she avers that she had one child, Jessie, and she is duly identified upon the Kern-Clifton roll according to page and number of the roll as indicated in the testimony, she avers that she was formerly married, as stated, to one John Rose, from whom she is now divorced; said John Rose was duly listed for enrollment as a Cherokee Freedman on doubtful card 474, the testimony in said case will be made part of the record in the case at bar, and copy of said testimony will be filed with the testimony now being taken; they make satisfactory proof as to residence, consequently, Emily Nolen and her child, Jessie Rose, will be duly listed for enrollment as Cherokee Freedmen upon what is known as a doubtful card; she will be notified of the decision of the Commission in her case when arrived at.

L.D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.
Subscribed and sworn to before me
this June 6, 1901. (Signed) T.B. Needles, Commissioner.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, T. T., October 15, 1901.

In the matter of the application of Elizabeth Neigs et al. for
enrollment as Cherokee Freedmen.

Testimony introduced on behalf of the Cherokee Nation.

Appearances

L. T. Brown, agent for the applicant;
J. S. Davenport, of counsel for Cherokee Nation.

L. T. Brown: I would like to have the record show that
sometime next week the applicant intends to introduce as wit-
nesses in this case, Aaron Wright, Reuben Sanders, Sam Sanders,
and Sam Webber, for the purpose of showing that all the appli-
cants in this case returned to the Cherokee Nation during the
time prescribed by the Ninth Article of the Treaty of 1866,
Commissioner Needles: Hasn't that already been shown?

L. T. Brown: And that they have had a continuous resi-
dence in this country since that year.

Commissioner: Well, that is all right.

ROBERT NEIGS, being duly sworn by Commissioner Needles, tes-
tified as follows:

Q. Mr. Davenport: What is your name? A. Robert Neigs.

Q. Where do you live? A. I live five miles southwest of Tahlequah.

Q. What is your postoffice? A. Park Hill is my postoffice.

Q. How old are you? A. I am 66 my next birthday.

Q. How long have you lived in the Cherokee Nation? A. I have lived
here all my life except a little while time of the war, from '64 to
'65.

Q. Did your people own any slaves before the war? A. Yes sir.

Q. Do you know whether they owned a woman by the name of Elizabeth?

A. No sir.

Q. Do you know whether or not they owned her mother, or anybody of
the family? A. Elizabeth, no, sir.

Q. Well, did you know Peter Neigs? A. Yes sir.

Q. Do you know what his wife's name was when the war broke out?

A. Betsy they called her.

Q. Well, was she living, Betsy, at the time the war broke out?

A. Yes, sir.

Q. Well, did you ever know her by any other name than Betsy?

A. Bettie.

Q. Where was Peter Neigs and his family at the breaking out of the
war? A. Well Peter was with us at home at the breaking out, but he
and his wife was up there somewhere near the Dutch Mills on the
Arkansas line.

Q. Well I wish you would look at that woman there and see if she is
the woman you knew as Betsy or Bettie or whatever you know her by
(indicating applicant)? A. Yes, I think that is the one, I have
never seen her but once.

Q. That is since the war? A. I just saw her once in my life and
that was time of the war, after the war.

Q. Did you ever see Peter Neigs and his family after the war? A. Yes
sir, saw Uncle Peter.

Q. What year was that? A. Sometime after '71.

Q. What were the circumstances as to your seeing him or meeting him?

Q. Why he had to come down to Council to see about fixing up his
rights, and he came down to visit my brother John, we were right
together, and I went up there to see him.

Q Did you have a conversation with him or did he have a conversation with your brother John in your hearing where he and his wife were present in regard to his right or when he returned? A Yes sir.

Q Give that conversation as near as you can.
L. T. Brown: The applicant objects to this witness relating any conversation he might have had with Peter Heigs, for the reason that Peter Heigs is dead and cannot affirm or deny this statement.

Commissioner: The objection will be noted and the witness will answer.

Q Go ahead and state what the conversation was between you? A He was talking about returning, he said he came down here in the fall of '66 and started to make him a place somewhere on Big Creek and his family wasn't with him, and afterwards when he returned why it was too late when he brought his family.

Q Did you ever see any other members of his family excepting he and his wife at the time you speak of? A No, sir, just him and his wife is all, I wasn't acquainted with the children.

Q Do you know where he was living at that time? A He said he was living on Big Creek somewhere.

Q That was in what year? A This was after '71 sometime, I don't know just what time it was.

By L. T. Brown: Now what did you say that conversation was, Mr. Heigs? A Yes he said that he had come down to make him a place somewhere up here on the Verdigris, or Big Creek, and he started to make him a cabin, and put up the wall, and then went back for the family.

Q He told you that he came down and started him a little cabin with the intention of making him a home in the fall of '66? A He said he came down and started to make him a home.

Q In the fall of 1867? A Yes, in the fall of '66.

Mr. Davenport: Well, what did he do after he started that home, did he say, after he started that cabin? A Went back after his family.

Q And he stayed up there till when he came back down here it was too late, is that what he told you? A Yes, sir.

L. T. Brown: How long did he tell you he stayed up there in Kansas after he made the first trip? A He didn't state, I believe he gave but one date.

Commissioner: This testimony will be made part of the record in the case at bar, and also part of the record in D case 394, D-396, D-398, D-401, D-402, D-401, D-407, and D-775, and the sub-references.

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C. Jones.

Sworn to and subscribed before me this the 7th of November, 1901.

T. B. Needles,

Commissioner.

File with Cherokee Freedman D-392, Elizabeth Meigs.

Department of the Interior
Commission to the Five Civilized Tribes
Wita, T. T., October 12, 1901.

In the matter of the application of Elizabeth Meigs et al. for enrollment as Cherokee Freedman.

Supplemental testimony on behalf of the applicant.

L. T. Brown, agent for applicants;
L. E. Bell, of counsel for Cherokee Nation.

DANIEL SANDERS, being duly sworn by Commissioner Needles, testified as follows:

By L. T. Brown: State your name? A Daniel Sanders.

Q What is your age? A About 59.

Q What is your postoffice address? A Centralia.

Q Are you a recognized citizen of the Cherokee Nation? A Yes, sir.

Q Does your name appear upon the authenticated roll of 1880?

A I think it does.

Q You know Elizabeth Meigs and George Meigs? A Yes, sir.

Q What relation is George Meigs to Elizabeth Meigs? A Her son.

Q Did you know Peter Meigs during his life time? A Yes, sir.

Q Do you know whether Peter Meigs, Elizabeth Meigs, and George Meigs were out of the Cherokee Nation during the war? A Yes, sir.

Q When did they return to the Cherokee Nation? A They came in '65.

Q With whom did they return? A They came with me and my father and the Webbers.

Q Have they had a continuous residence in the Cherokee Nation ever since? A Yes, sir.

Mr. Bell: When did you come to the Cherokee Nation yourself after the war? A In '65.

Q What time of the year? A First of December.

Q That was the first time? A Yes, sir.

Q When did you make your second trip? A Along in first part of January.

Q That was January, 1867? A Yes, sir.

Q Now which one of these trips was it that Peter and his family came with you? A They came both times.

Q Came both times? A Yes, sir; the old man came the first time and then the last time the family came.

Q Peter came with you alone the first time? A Yes, sir.

Q Then the second time he brought his family? A Yes, sir.

Q What did his family consist of? A Mary, George, Alice, Harry, Simon, and Perry.

Q Then was his children? A Then was his children.

Q Well he had his wife Elizabeth with him, didn't he? A Yes, sir.

Commissioner: This testimony will be filed and made part of the record in the case at bar and part of the record in D-394, D-395, D-398, D-401, D-402, D-404, D-405, D-475.

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.
Bruce C. Jones.

Sworn to and subscribed before me this the 7th of November, 1901.

T. B. Needles,

Commissioner.

The undersigned, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he made the foregoing copy, and the same is a true and complete copy of the original.

Joe Palmer

Subscribed and sworn to before me this the 8th day of August, 1902.

Robert Jones
Notary Public.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T. October 23rd 1901.

SUPPLEMENTAL TESTIMONY in the matter of the application of John J. Rose, C. F. D. 474.

Appearance:

James S. Davenport for the Cherokee Nation.
Mollie A. Smith for the applicant.

PHILLIS GUNTER being first duly sworn by Com'r T. B. Needles, testified as follows on the part of the Cherokee Nation:

(By Davenport.)

Q What is your name? A Phillis Gunter.

Q Where do you live? A In Gooseback Band, Gooseback District.

Q How old are you? A I just dont know my age exactly.

Q Do you know John J. Rose? A Yes sir, I know him.

Q Do you know Emily Nolen who was formerly the wife of John J. Rose?

A Yes sir.

Q Where did you first get acquainted with them? A I was acquainted with their mother in Slave times.

Q With their mother, whose mother do you mean? A Emily's mother.

Q What was her name? A Matilda Dannenburg.

Q Were John J. Rose and Emily Nolen any relation to each other? A Yes sir they got married.

Q Where did they get married? A In Kansas somewhere, I cant tell exactly the place.

Q Where did you know John J. Rose and Emily as man and wife? A Right there in Lawrence.

Q When did you come back to the Cherokee Nation after you knew them in Lawrence? A As near as I remember it was the year before the Grass or Bread payment.

Q Do you know what year that was, what year the bread payment was made? A No sir.

Q Where was John and Emily living when you came back from Lawrence? A I left them up there.

Q Up where? A Lawrence Kansas and never seen them any more until they came here.

Q Did they have some children? A Yes sir.

Q Do you know the names of any of them? A A little boy named Charlie and a girl named Lizzie is all they had then.

(By Smith.)

Q Are you a freedman? A Yes sir that is what I have been claiming.

Q Are you on any of the rolls of the Cherokee Nation? A Yes sir.

Q What rolls? A My case was taken up at Chelsea.

Q I ask what rolls you are on? A Clifton and Wallace rolls I guess they call it.

Q Who did you belong to before the war? A I belonged to a woman, she was a Starr before she married and she married a man name Latty.

Q What was her name before she married? A Jane Starr.

Q What was her father's name? A I dont know.

Q Where did they live? A At the old home up in Flint and in Sequayah near what town? A Not close to any town, lived out in the country, be about town was Evansville.

Q Were you living there when the war commenced? A Y-y sir.

Q Where did Emily's mother live? A With Mrs. Dannenburg.

Q How far from where you lived? A In the same district but it was further off, north from me, I cant tell the distance exactly.

Q Was it 30 miles? A No sir, I dont think it was quite that far.

Q You didn't know Emily herself before the war? A Yes sir I knowed her.

Q I thought you said you knew her mother—what was her mother's name? A Matilda Dannenburg.

Q And you, or did you not know Emily before the war? A I think Emily

- was born before the war, if she was she was a small child; I know I saw her in her mother's arms.
- Q Was that before the war? A Yes sir.
- Q Sure of that? A Yes sir.
- Q Where did you ever see her in her mother's arms before the war?
- A With her mother at the Dannenburg place.
- Q How many times were you at the Dannenburg place? A I was hired out to his brother Nathan.
- Q How far did the two Dannenburg brothers live apart? A I cant say exactly how far.
- Q Cant you give some idea as to how far? A I dont know exactly.
- Q Did they live 450 miles apart? A Nathan lived in town and one lived in the country.
- Q Was it 400 miles apart? A No sir it wasn't, I dont suppose it was over five miles, it wasn't five miles, it was between 3 and 4 miles I guess.
- Q When the war come up where did you go? A When the war come up for a little while—when the war was raging so I was with my owners at Parkhill a while and then came back to the old home place.
- Q When did you go up to Kansas? A About the time of the close of the war, just about the time that Quantrell's raid was in Lawrence.
- Q What place in Kansas did you go to? A Lawrence.
- Q Where was this Matilda then, didn't you say you saw Matilda there?
- A When I first went up in Lawrence?
- Q Yes sir? A I didn't see her when I first went up there, we lived on one side of the river and they lived on the other, but I shortly afterwards saw her, I didn't see her for the first day or two after I got there.
- Q You said a while ago that you saw Emily in her mother's arms you though before the war, how long before the war was it? A I cant say I dont know, I dont recollect that far back, I have told it as straight as I know.
- Q You claim to have known this woman ever since she was a little baby, now when was she a little baby? A I cant say.
- Q How big was she when the war come up? A Quite a little girl.
- Q How many years old? A I dont know, never paid any attention, just seen them and knowed that, I dont know anything about the ages.
- Q Was she three years old? A She might have been and might have been more.
- Q Well, about how old? A I dont know.
- Q You saw her and would know the difference between a girl three years old and one ten years old wouldn't you? A Yes sir I might.
- Q You are in doubt about that are you? A Yes sir.
- Q How old was Emily when you saw her at Lawrence? A Little child I staid there a good while.
- Q How long did you live in Lawrence? A I dont know how many years, I dont know if it was one year or two years or 23 years? A I know it wasn't 23.
- Q Was it over two? A Yes sir I guess it was.
- Q How much over? A I dont know.
- Q Was you living there as much as five years? A I dont know if I did or not, I know I was there that is all I do know.
- Q Cant you give some idea—was you there as much as five years? A I dont know if I was there five years or over five years or under five years, I dont just exactly know the years or dates, I know I was there quite a while, I know I was there two or three years any way.
- Q You can be safe in saying that it was eber two years, two or three years? A Yes sir.
- Q You wouldn't swear positively that you were there as much as five years though? A No sir.
- Q You will swear positively that you were there as much as two or three years? A Yes sir for I know I was there that much.

Q Who did you live with there in Lawrence? A With my husband.
 Q Who was he? A Harry Cuneo. Q Is he living or dead? A Dead.
 Q When did he die? A A year and six months ago.
 Q Since you came here? A Yes sir.
 Q You don't know what year it was when you came to Lawrence? A No sir.
 I don't know that, however.
 Q It was some time after you went up there before you saw this
 Matilda? A Yes sir.
 Q When you discovered her there how far was she living from you? A
 Just have been a or 2 miles, I think. I think right in town, she
 lived kinda in the country.
 Q You lived in town? A I lived on the north side of the river, the
 river was between us and town.

This will be filed in the original application, that of John J. Rose,
 D. W. D. 474 and also in Cherokee Freedmen doubtful cases, D-511;
 D-515; D-516; D-517; D-518; D-519; D-520; D-521; D-522; D-523;
 D-524 and A-152.

Chas. von Volke, being first sworn, states that as stenographer
 to the Commission to the Five Civilized Tribes he reported in full
 all the proceedings in the above cases and that the foregoing is a
 full, true and correct transcript of his stenographic notes therein.

Subscribed and sworn to before me this the 24th of October, 1901.

J. A. McKinney

Chas. von Volke

Commissioner.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., February 24, 1902.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of
SAMUEL BECK as a Cherokee freedman; introduced on part of the
Cherokee Nation:

Appearances:

L. T. Brown, Vinita, I. T., Agent for Applicant;
J. S. Davenport, Cherokee representative.

L. B. BELL, being duly sworn, testified as follows on
part of the Cherokee Nation:

MR. DAVENPORT:

- Q What is your name? A L. B. Bell.
Q Where do you live, Mr. Bell? A Vinita, Indian Territory.
Q How long have you lived in and near Vinita? A Oh, since '67,
including most of '67.
Q Was there any railroad running in or through Vinita when you
first moved into that community? A No, sir.
Q When did the railroad first come through that country, Mr. Bell?
A In 1871.
Q You know this applicant, Sam Beck? A No, I don't know him.
Q Don't know anything about him? A No, sir.
Q Was you living in that country before the railroad started from
Kansas through the Indian Territory; that is, the M. K. & T.
A Well, I will tell you what I know about the railroad; The rail-
road come through the country in 1870, and on the application of
the Cherokee Nation, a complaint to the Secretary of the Interior,
they stopped building and during the session after 1870 of the
National Council of the Cherokee Nation, they passed an Act there,
it is dated the 14th of December, 1870, authorizing the furnishing
of cross-ties to the railroad, and agreeing that the railroad could
go through. The secretary hadn't determined which had the right-of-
way. They had begun it in 1870 and the M. K. & T. got the right-of-
way, and then they authorized the selling of cross-ties, and I went
to Chetopa and made a contract with the Company for cross-ties
enough to build from the Kansas line to Pryor Creek and sublet it.
Mr. Martin was one I sublet to, that was in 1870 that contract
was made, I don't recollect the exact date. Well, just a few days
following that we began getting cross-ties and then worked on down
to the Creek Nation. That was the first railroad built in the
country and the first cross-ties was cut on the railroad in this
country.
Q You don't know anything about the wife of Beck or anything about
them? A No, I don't.

C. D. MARKHAM, being duly sworn, testified as follows on
part of the Cherokee Nation:

MR DAVENPORT:

- Q What is your name? A C. D. Markham.
Q Where do you live? A At Tahlequah.
Q How long have you lived in the Cherokee Nation?
A I was born and raised here: never was out except during the war.

Q Where did you live before moving to Tahlequah? A Lived on Grand river east of Chatoah about ten miles.

Q Do you know Samuel Beck, the applicant in this case, or his family? A No, sir.

Q Where were you living along the latter part of the sixties or early part of the seventies? A On the Grand river.

Q Do you know about the year the M. K. & T. railroad built from Chatoah, Kansas, down through the Territory? A It must have been the latter part of '71 or '2.

Q Had you any connection with it any way that makes you remember it? A Yes, sir, I had a contract on the road, beginning at Bryant's Lake, down this way.

Q And that was in what years it built down there? A The ties was put in there in the spring, latter part; it was in the spring of '71.

BY ATTORNEY BROWN:

Q You don't know the applicant, Mr. Markham? A No, sir, I don't.

Q You don't know to whom he belonged before the war or when he returned to the Cherokee Nation? A No, sir.

Commission: This testimony will also be filed in and made a part of the record in Cherokee freedman case No. D.391.

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J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(signed) J. O. Rosson.

Subscribed and sworn to before me this February 27, 1902.

(signed) T. B. Needles,
Commissioner.

...

I, A. R. Cheever, being duly sworn, state that as stenographer to the Commission to the Five Civilized Tribes, I correctly copied the original of this case, and that the foregoing is a correct copy thereof.

A. R. Cheever

Sworn to and subscribed before me this 7th day of August, 1902.

Wm. C. Jones
Notary Public.

"R"

File with Cherokee Freedmen B- 516, Mattie Smith.

Department of the Interior
Commission to the Five Civilized Tribes
Muskogee, I. T., February 25, 1902.

SUPPLEMENTAL TESTIMONY ON BEHALF OF THE CHEROKEE NATION in the matter of the application of EMILY FOLEN for enrollment as a Freedman of the Cherokee Nation, D-111.

Appearances:

Mr. Mellette, of Mellette & Smith, Muskogee, I. T., attorneys for the applicants;
Mr. J. B. Dannenborg, of attorneys for the Cherokee Nation.

MARTHA PACK, being sworn and examined, testified as follows:

BY MR. DANNENBORG:

- Q What is your name? A Martha Pack.
Q There do you live? A Tahlequah.
Q How long have you lived in Tahlequah? A About 15 years.
Q Where did you live before you went to Tahlequah? A I lived in Saline District.
Q Do you know a colored woman by the name of Emily Folen now, that is, who goes by that name at present? A I know her, but I don't know her by that name.
Q What name do you know her by? A I know her by Emily Rose.
Q Where did you first get acquainted with her? A I got acquainted with her in Coffeyville, Kansas.
Q How long ago was it that you got acquainted with her in Coffeyville Kansas? A Well it has been about 25 years, if not longer.
Q Where was she living at that time, if you know? A She was living in Coffeyville, Kansas.
Q Did you have any conversation with her at that time, become quite well acquainted with her? A Yes sir, well acquainted with her.
Q Did she tell you anything about where she had lived prior to moving to Coffeyville? A No, but they came from upper Kansas there.
Q Came from somewhere else in Kansas? A Yes, up above.
Q You know where she is living now, or about what locality? A I think she lives on Big Creek or somewhere up in there.
Q In the Cherokee Nation? A Yes sir.
Q Have you seen her since you saw her when she was living in Coffeyville, Kansas? A Oh yes sir, lots of times.
Q How long did she live in Coffeyville, Kansas, to your knowledge after you got acquainted with her, or about how long? A Well about two years I guess, I think.
Q You had never known her before the war had you? A No, never known her.
Q She claims to have been a Dannenborg, I believe, you never knew her until after she was living with John Rose? A She was living with John Rose.
Q Was John Rose living with her after you got acquainted with her in Kansas? A Yes sir. They were all living together, her mother, Charley's Smith's wife.
Q What was her mother's name? A Tildy Lacey.
Q What was her sister's name? A Jane Smith.
Q You know where Jane Smith is living now? A She lives on Hickory Creek.
Q That is in the Cherokee Nation? A Yes sir.
BY MR. MELLETTE:
Q What you say your name is? A Martha Pack.
Q How close is Coffeyville, Kansas to the line of the Cherokee Nation? A Why I don't know exactly how close the line is, it was 15 miles at the time where I lived in Coffeyville.
Q Where did she live? A She lived in Coffeyville then.

Q How do you know she did? A I worked there in Coffeyville, and ~~as it was~~ was well acquainted with her.

Q How long did you work there? A Oh I worked there a year or two.

Q Which was it? A About a year I guess.

Q She there all the time while you were there? A Yes sir.

Q Where did they live? A They lived right in town.

Q Were they ever in the Cherokee Nation any? A No sir.

Q You say they never was over in the Cherokee Nation? A No, only when they went to church.

Q How do you know? A Because I lived near them, I lived right there near, I didn't live with them, I was working right there, and was there every day.

Q How close did you live? A About a hundred yards.

Q You watched them all that year did you? A No, I didn't watch them, I was well acquainted with them, when.

Q When were you first asked about this matter as to what you remembered about it? A Why I know about them?

Q Yes. A Last summer.

Q Then you remembered back 25 years? A Oh yes sir.

Q And remember everything that the Holens did 25 years ago? A No, I just know where they lived at, and was well acquainted with them.

Q You know they lived right there in Coffeyville? A Yes sir.

Q But you didn't watch them to know exactly where they went at different times? A Oh I know where they lived because I passed them.

Q Don't you know they were away from there months at a time? A No sir, they was not away from there while I was there; they might have went away after that. I know the time they come in the Cherokee Nation and made a crop.

Q When was that? A I don't remember the year exactly, but it was the year that the grass-hoppers were just thick in the farms, that was the year that Joe Rose and Charley Smith came to the Cherokee nation and made a crop.

Q What year was that? A I don't remember, I couldn't tell you that.

Q Hadn't they been farming down in the Cherokee Nation all the while? A No, that is the first year they went.

Q Where did they come from to Coffeyville? A They come from in above in Kansas.

Q How do you know? A They said they come from above there, I didn't know it.

Q How old are you? A I am about 43 or '4, along there.

Q Then how many years ago was it you saw these people in Coffeyville? A It has been about 25..

Q What makes you think it is 25 years? A Because my oldest child is 25 years old.

Q When was that child born? A I couldn't tell you what year that was, but she is 25.

Q Was she born while the Roses were living there in Coffeyville? A Yes sir.

Q How do you know that? A I know that.

Q You had a little baby to take care of didn't you? A ; No I come away from there, they had been living there quite a while.

BY COMMISSION: This testimony will be filed and made a part of the record in the following Cherokee Freedmen cases: D-477, D 514, D 515, D 516, D 517, D 518, D 520, D 521, and D 804.

H.D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me
this February 28, 1902

[Signature]
[Signature]

To be filed with O. P. D-514.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., April 11, 1902.

In the matter of the application of Charles C. Smith et al
for enrollment as Cherokee Freedmen.

SUPPLEMENTAL TO D-514.

Applicants represented by Mellette & Smith, Vinita, I.T.
Cherokee Nation represented by W. W. Hastings and J. S.
Davidson.

The Cherokee Nation by its representatives makes satisfactory
proof of service on the applicants' attorneys, Mellette & Smith,
that it would on the 11th day of April, 1902, at the offices of the
Commission at Muskogee, Indian Territory, introduce testimony tend-
ing to disprove the right of the said Charles C. Smith et al to
enrollment as Cherokee Freedmen.

The applicants and their attorneys have this day, to wit the
11th day of April, 1902, been called and fail to respond either in
person or by attorney.

HATTIE DRAKE, being first duly sworn, testified as follows:

MR. HASTINGS: What is your name? A. Hattie Drake.

Q What is your age, Mrs. Drake? A. 48 my next birthday.

Q Where do you live? A. Lawrence, Kansas, Douglas County.

Q How long have you been living in Lawrence, Kansas? A. Well,
I was brought there when I was quite a little girl, and I lived
there until after I was married, and then I went away and lived ten
years, and then moved back to Lawrence and been there ever since, and
that's been about seventeen years.

Q Well, where were you living when the war closed? A. I was
living in Lawrence, not in the city, in the country just a little
piece from town.

Q Well, did you move into town after that, after the close of the
war, immediately after the close of it? A. No, sir.

Q You were living right in the edge of the town? A. Yes, sir,
you might say: I went to school in town.

Q Did you know a colored woman by the name of Matilda Dannenberg?
A. I knowed a colored woman by the name of—knowed of her—by the
name of Matilda Colbert.

Q Well, did you know any of her children? A. Yes, sir.

Q What were their names? A. One was named Jane and one was named
Emily.

Q Did they have a brother there by the name of Jim? A. Yes, sir,
there was a little boy they called him either Jim or James, it
seems to me they called him Jimmy.

Q Where did you know these girls? A. I went to school with them
in North Lawrence.

Q Was that after the war closed? A. Yes, sir, I am pretty
certain it was, I know where we lived when the war closed, and I
went from there to school.

Q It was after this time? A. Yes, sir.

Q How long did you go to school with them? A. Well I couldn't tell
just exactly how long, but I went to school two different times, I
won't say terms, because I never did go to school a whole term in
my life, but two different times I was at school with Jane and Emily;
I won't say that I went to school with the little boy, but I have
seen him, know him.

Q And you knew of their mother? A Yes, sir, I knew of their mother.

Q Did you know about where she lived in the town or city? A Well, I don't know as I was ever at her house, but my understanding was that she lived on Walnut Street in North Lawrence.

Q You knew of her living there? A Heard of it, yes, sir, heard of her living there.

Q You went to school two different times with them? A Yes, sir.

Q Do you remember what years they were? A No, sir, I couldn't tell you.

Q Couldn't tell? A No, sir.

Q Do you know what become of these girls? A No, sir, I don't know what become of them, but I heard, I heard that they moved from Lawrence to Topeka, but I never did see them in Topeka.

Q Well do you know whether Emily was married there or not? A I didn't see her married, I heard that she was.

Q Where? A In Lawrence.

Q To whom? A A man by the name of— I heard her husband was named Rose, John, I believe, Rose.

Q You only heard of this like any other circumstance in the town? A Yes, sir, I didn't see them married and didn't know her husband.

Q Didn't know her husband? A No, sir.

Q Was Jane married when she left there? A If she was I never heard of it.

Q You heard when they left there that they went to Topeka? A Yes, sir, what I heard; Never saw them in Topeka at all.

Q Never saw them? A No, sir.

COMMISSIONER: How old did you say you were? A I am 47 past, I will be 48 years old the first day of June.

Q Where do you live? A I live in Lawrence, Kansas, Douglas County.

Q When did you first begin to know the mother of these children that you are speaking of? A Well, I didn't know the mother so well, I have just heard of her, know of her.

Q When did you begin to know the children? A When I was going to school with them.

Q You don't know when that was? A I couldn't tell you what year, no, sir.

Q About how old were you, have you any idea? A Well, I was about 11 or 12, between 11 and 13 years old I will say; my mother didn't exactly know my age, but that's what she says that she was—

Q Sometime after the close of the war was it? A Yes, sir.

Q Well, now, how long did these people continue to reside in the same community where you were living? A After I got acquainted with them?

Q Yes. A Well, I couldn't tell you.

Q Were they living there when you came, or did they come afterwards? A I couldn't tell you that.

Q Haven't you any idea how long they continued to live there? A No, sir, I don't know how long they lived there.

Q Do you know when they came to your neighborhood? A No, sir, I lived kind of in the country, and the cause of my knowing these girls I went to school with them, I met them first, I can remember I met them at school.

Q That was after the close of the war was it? A Yes, sir.

Q Do you know where they came from? A No, sir.

Q How long did you continue to know them at that place? A Well I couldn't tell that exactly. I know I went to two different schools with Emily and Jane, and I couldn't tell you just how long, I was quite a little girl myself.

Q Did you ever miss them from that neighborhood during the time that you were there? A Yes, sir.

Q Do you know where they went to? A I don't know where they went to, I heard they went to Topeka.
 Q You don't know then that they did go to Topeka? A No, sir, I never seen them there.
 Q Have you seen them since they left that place? A No, sir.
 Q Have you ever heard of any of them? A Yes, sir.
 Q Where were they living when you heard about them? A I heard that they was living in Topeka.

JOHNATHAN JONES, being first duly sworn, testified as follows:

MR. DAVENPORT: What is your name? A Johnathan Jones.
 Q Where do you live, Mr. Jones? A In Topeka, Kansas.
 Q How long have you lived in Topeka? A Ever since '86, February '86.
 Q You went there after the close of the war? A After the close of the war, I was mastered out—
 Q What part of the city did you locate in when you first went there? A When I first went, just outside of the town, out on the prairie just outside of the town.
 Q Well, after you went to Topeka, Kansas, did you get acquainted with a colored woman by the name of Tildy Dannenberg or Matilda? A Tildy Colbert she was called when I first got acquainted with her.
 Q Well, do you know whether or not this Tildy Colbert as you knew her had any family? A Well, yes, sir, she had three children.
 Q What were their names if you know? A There was Emma and Jane and Jim.
 Q Was either of them married when you first got acquainted with them? A Well, yes, sir, Emma was married.
 Q Do you know what her husband's name was? A John Rose.
 Q Did you ever get acquainted with John Rose while they lived there? A Yes, sir.
 Q Well, was Jane married or not? A Well, she married afterwards, after they went to Topeka.
 Q Do you know to what she was married? A In you, sir.
 Q What was her husband's name? A Charles Smith.
 Q Now about that year, about how long had you been in Topeka before you got acquainted with Matilda Colbert? A Well, I suppose I had been there about two years before I got acquainted with them, I ain't positive, a year or two anyway, I can't say positively.
 Q How far did you live from them when they first located? A Well, when I first got acquainted with them I lived—they lived on Jefferson and I lived down on—
 Q Jefferson street you mean? A Yes, sir, on Jefferson street, and I lived down on Washington close to Crane.
 Q Well, did they afterwards move? A Yes, sir, they moved and lived about, I suppose from here over to the building across the way. (Pointing across the street.)
 Q What street did they live on then? A Crane street.
 Q How far from you then did they live when they lived on Crane? A Well, about as far as from here over to that building across the street.
 Q About how far would you estimate that? A They was about half their lot.
 Q About half a block? A About half their lot, just the length of 15 feet their lot was you know, and there was a little over half way from me.
 Q Well, now, did this woman Matilda Colbert as you knew her, marry any more while you knew her? A Well, I can't tell you whether she

married or not, but it strikes me that she did.

Q Now Mr. Jones, how long after you got acquainted with Matilda Colbert and her children did they continue to live in Topeka or near Topeka? A Well, I suppose they lived there about six years, somewhere about that, after I got acquainted with them, five or six years as near as I can recollect.

Q Well now while the family lived there was you well acquainted with them? A Oh, I was, yes, sir.

Q About how often would you see them when they were living on Crane Street? A Every day.

Q Did they continue to make that their home? A Yes, sir, till they wore out to come down.

Q Do you know whether or not they owned their property there? A Yes, sir, she owned it.

Q Now this Jim you speak of, what name did he go by? A Jim Colbert.

Q And Jane had married Charley Smith while A She was Jane Colbert when they first went there.

Q And Emily had married? A Married John Rose when they first came.

Q Well, now, do you know where they said they came from when they came to Topeka; where did they say they came from? A Lawrence.

Q Lawrence, Kansas? A Yes, sir.

Q Well, now, about what year did they leave or move away from Topeka, Mr. Jones? A I suppose in '73 or '4, I ain't positive just which, but somewhere along there.

Q They came to Topeka about what year? A They came there I suppose, just my idea is as well as I can recollect, in '68 or '9. I couldn't say positively, but '68 or '9.

Q Went away from there about '73 or '4? A Yes, sir.

Q Somewhere along there? A Somewhere there in that neighborhood, right close about that.

COMMISSIONER: You didn't learn to know these people until about two years after you came to Topeka, Kansas? A Well, somewhere about that, I couldn't say positively just exactly what time, but

then somewhere in the neighborhood of two years I got acquainted. Q It was approximately two years after you came to Topeka when you first learned to know them? A Yes, sir.

Q You went to Topeka in '66? A In '66.

Q You don't know where these people were in '66? A I don't. Q Haven't any idea? A No, sir.

Q Well now how long did they continue to reside there at Topeka, Kansas; about how long? A Well, I suppose they staid there some five or six years.

Q Do you know where they went to then? A Well, yes, sir, they came down to the Territory.

Q To the Cherokee Nation? A Yes, sir.

Q Haven't they resided in Topeka since that time? A No, sir, not that I know of.

MR. DAVENPORT: The Cherokee Nation offers in evidence a certified copy of a marriage license of Joseph Lacy, of Topeka, Kansas, to Matilda Dannenburg, of Topeka, Kansas, dated February 6, A. D. 1869; also marriage license of William Rose, of Topeka, Kansas, to Matilda Lacy, of Topeka, Kansas, dated April 5, 1873; said documents being as follows:

State of Kansas,

County of Shawnee, ss. Office of Probate Judge of said County.

Be it remembered, that on the sixth day of February, A. D. 1869, there was issued from the office of said Probate Judge, a Marriage li-

same, of which the following is a true copy:

---:Marriage License:---

Shawnee County, State of Kansas, February 6,
A. D. 1869.

To Any Person Authorized by Law to Perform the Marriage Ceremony

GREETING:

You are hereby authorized to join in Marriage, Joseph Lacy of Topeka, aged 28 years and Matilda Beninburg, of Topeka, aged 30 and of this License you will make due return to my office within thirty days.

(Seal) Lewis Hanback, Probate Judge.

And which said Marriage License was afterwards, to wit: on the 25th day of February, A. D. 1869, returned to said Probate Judge, with the following certificate endorsed thereon, to wit:
State of Kansas, County of Shawnee, SS.--

I, Thos. Wilson, Clergyman do hereby certify, that in accordance with the authorization of the within license, I did on the 7th day of February, A. D. 1869, at Topeka, in said County, join and unite in Marriage the within named Joseph Lacy and Matilda Beninburg.

Witness my hand and seal this day and year above written.

Thos. Wilson.

Attest:

Lewis Hanback,
Probate Judge.

State of Kansas, }
County of Shawnee. } Office of Probate Judge of said County.

Be it remembered, That on the fifth day of April, A. D. 1873, there was issued from the office of said Probate Judge, a Marriage License, of which the following is a true copy:

---:Marriage License:---

Topeka, Shawnee County, State of Kansas,
April 5th, A. D. 1873.

To Any Person Authorized by Law to Perform the Marriage Ceremony

Greeting:

You are hereby authorized to join in Marriage, William Rose of Topeka, Kansas, aged 24 years and Matilda Lacey of Topeka, Kansas, aged 33 years and of this License you will make due return to my office within thirty days.

(Seal) D. C. Netsker, Probate Judge.

And which said Marriage License was afterwards, to wit: on the 30th day of April, 1873, returned to said Probate Judge with the following Certificate endorsed thereon, to wit:
State of Kansas, Shawnee County, SS.--

I, Rev. E. S. Corn, do hereby certify that in accordance with the authorization of the within License, I did on the sixth day of April, A. D. 1873, at Topeka, in said County, join and unite in Marriage the within named William Rose and Matilda Lacey.

Witness my hand and seal this day and year above written.

E. S. Corn.

Attest:

D. C. Netsker,
Probate Judge.

I, W. E. FAGAN, Judge and ex officio Clerk of the Probate Court within and for the County of Shawnee and State of Kansas, do hereby certify that the above and foregoing is a full, true and correct copy of the original marriage license issued by the Probate Judge of this

county to Joseph Lacy and Matilda Deninburg, the original marriage license issued by said Judge to William Rose and Matilda Lacy; and of the original returns endorsed on said licenses by the persons performing the marriage ceremony & the same appears on file and of record in my office.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Court, at my office in the City of Topeka; this 5th day of April, 1902.

(Seal)

W. E. Fagan, Probate Judge.

Also a certificate which is as follows:

State of Kansas, } ss.
Shawnee County.

Topeka, Kansas, April 8, 1902.

I, F. L. Stephens, Reg. of Deeds of above named county and state, do hereby certify that the records of this office show that one Matilda Lacy acquired title to lot No. 252 on Crane Street in Crane's Add. to Topeka, Kansas, from F. L. Crane, on the 2d day of June, 1871, and further show that she disposed of lot No. 252 on Crane Street in Crane's Add. to Topeka, Kansas, to Little Freeman on the 18th day of June, 1874.
Witness my hand and seal of office this 8th day of April, A. D. 1902.

(Seal and stamp)

F. L. Stephens,
Reg. of Deeds Shawnee County, State of Kansas.

The representatives of the Cherokee Nation offer in evidence a certified copy of marriage license of John J. Rose, of Douglas County, Kansas, to Emma Pollard, Douglas County, Kansas, dated June 28, 1867.

COMMISSION: This testimony will be filed with and made a part of the record in the following Cherokee Freedmen cases: D-474, D-511, D-520, D-518, D-521, D-504, D-477, D-516, D-517, D-515, D-582, D-583, and in the case at bar, D-614.

Arthur G. Croninger, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the testimony and proceedings in the above case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 14th day of April, 1902.

Arthur G. Croninger

Philip Renter
Notary Public.

In the matter of the application of John Brown et al for enrollment as Cherokee Freedmen, P. 2-178.

Applicants represented by A. B. Barnes, Manager, I.C. Cherokee Nation represented by James S. Havensport.

COMMISSION. The representative of the Cherokee Nation makes satisfactory proof of service that testimony was introduced in behalf of the Cherokee Nation on the 22nd day of April, 1902, at the office of the Commission at Muskogee, Indian Territory.

ELIZABETH BROWN, being first duly sworn, testifies as follows:

MR. HAVENSPORT: What is your name? A Elizabeth Brown.
Q Where do you live, Mrs. Brown? A I live near Illinois Station, Cherokee Nation.
Q How old are you? A I couldn't tell you just exactly my age, I don't know; I'm over 70 though.
Q Was you born and raised in the Cherokee Nation? A Yes, sir.
Q Near what place were you raised? A I was born near in the old country.
Q Did you know Cole Brown during his lifetime who was a Cherokee man? A Yes, sir, I knew Cole Brown.
Q Do you know whether or not he was living when the Civil War broke out? A He wasn't living, he was dead.
Q Where had he been making his home prior to his death, Mrs. Brown? A Well, he made his home in Oklahoma and in the Cherokee Nation.
Q Chooctaw Nation? A Yes, sir.
Q Did you know his son Richard Brown? A Yes, sir.
Q Was he living or was he dead at the breaking out of the war? A He was killed.
Q Where was he at the time he was killed, if you know? A He was in the Chooctaw Nation somewhere.
Q Did he have a home down there at that time? A Yes, sir, I think so; he married over there.
Q Had married a Chooctaw? A Yes, sir, married a Chooctaw.
MR. MORRIS: I understood you to say, Mrs. Brown, that Mr. Richard Brown was a native Cherokee Indian, wasn't he? A He was Cherokee, yes, sir, he was Cherokee.
Q And he was only an adopted citizen if he was a citizen at all of the Chooctaw Nation, he was adopted? A I don't know; he was married over there.
Q Well, do you know? A I don't know but that he was part Chooctaw himself, I don't know about that; he was Cole's son, I know that; but I don't know his mother.
Q Well now what was Mr. Cole Brown's nationality, what was his blood? A Cherokee.
Q When his son Richard would be Cherokee also would he not? A Yes, sir.
Q Did Mr. Richard Brown ever live in the Cherokee Nation, Mrs. Brown? A I don't know; I don't know; I don't believe he ever did, I don't remember; I guess he did when he was a child.
Q Did you know any of the slaves belonging to the estate of Cole Brown? A No, sir.
Q Wasn't acquainted with any of the slaves? A No, sir.
Q Did you know the mother of Richard Brown? A No, sir, I didn't know her.

Q Did Ocile Brown or his son ever live in the Cherokee Nation, Indian Territory? A Yes, sir, a long time ago.

Q When did he die? A Ocile Brown?

Q Yes. A Well, along about four or five years before the war.

Q I say where did he die? A Over the line I think in the Choctaw Nation somewhere.

Q Now I understood you to say a while ago that he lived, Richard Brown lived part of the time in the Cherokee Nation and part of the time in the Choctaw Nation? A I said maybe when he was a child he might have been in the Nation here.

Q That is Richard Brown? A Yes, sir, Ocile's son. I know he lived in the Choctaw Nation all his life pretty near ever since he got grown man.

Q Did he have any slaves, Richard? A I don't know, I guess they did, a few, two or three.

LEWIS T. BROWN: Did Ocile Brown own any slaves? A Well, I said I guess he did.

Q You don't know any of their names, do you? A No, sir. I don't remember the darkies' names, I know Mr. Brown's son.

Q Was Ocile Brown's wife a citizen of the Choctaw Nation at the beginning of the war? A Ocile Brown's?

Q Yes. A She was a Cherokee lady.

Q Was Ocile Brown's citizenship Choctaw? A Well, I don't know; he lived over there.

Q Well, Richard Brown's wife was a Choctaw, wasn't she? A Yes, sir.

MR. McREA: Well you just stated that Ocile Brown's wife was a Cherokee, the mother of Richard Brown, she was a Cherokee? A She wasn't his mother.

Q She wasn't the mother of Richard Brown? A No, sir, Betsy just had one child, a boy, and he's dead now I guess.

Q Well, did you know the mother of Richard Brown? A I told you I didn't know her.

COMMISSION: This testimony will be filed with and made a part of the record in the following Cherokee Freedmen cases: D-511, D-518, D-520, D-521, D-504, D-547, D-514, D-516, D-517, D-515, D-19, and D-175, being the case at bar.

Arthur G. Croninger, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the testimony and proceedings in the above case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Arthur G. Croninger

Subscribed and sworn to before me this 25th day of April, 1902.

[Signature]
Notary Public.

Supl. C. D. ~~and~~ Freedmen.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 4, 1902.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of
EDWARD WHIGHT as a Cherokee Freedman, introduced on part of the
Cherokee Nation.

The Cherokee Nation by its representative makes satisfactory proof of service on E. B. Lawson, the attorney for the applicant in this case, that testimony would be introduced by the

Representatives of the Cherokee Nation tending to disprove the right of said applicant, Edward Wright to citizenship in the Cherokee Nation at the office of the Commissioner in Muskogee, Indian Territory, on the 3rd day of March, 1902, and from day to day thereafter until the same could be heard by the Commission during the usual business hours.

Cherokee Nation present by its representative, L. B. Bell.

C. S. Rogers, being duly sworn, testified as follows on part of the Cherokee Nation.

MR. BELL:

- Q Tell him your name. A C. S. Rogers.
- Q Age? A 63 years old.
- Q Place of residence? A Claremore.
- Q And you a citizen of the Cherokee Nation? A Yes, sir.
- Q How long have you been such? A All my life, a little over 63 years.
- Q Did you go out of the country during the war? A Yes, sir.
- Q When did you return? A '66.
- Q Where did you come to? A Came to Fort Gibson.
- Q And stayed there did you? A Yes, sir.
- Q Well what was your business? A After I come back?
- Q Yes? A I followed freighting for something over three years.
- Q Where and between what places? A Sedalia and Pleasant Hill and Kansas City to Fort Gibson.
- Q Were you ever acquainted with a Freedman by the name of Moses Whitire? A Yes, I know him.
- Q Where did he belong before the war? A He belonged in Boone's District.
- Q Do you know what particular Whitire he belonged?
- A I don't remember whether he belonged to George Whitire or Joe Whitire.
- Q If you did see him when did you first see Moses Whitire after the war, after your return to the Cherokee Nation?
- A As well as I can remember it was in February, '68; I met him just on this side of the Neosho River, as they were leaving back to this country from Kansas. There was between 24, from 24 to 28 wagons and I met them right on this side of the Neosho River; Dick Whitire, Moses Whitire and Aaron Whitire and old Major Wright is all I know in the country.
- Q Did you have any conversation with them, stop and talk with them?
- A Yes, sir, and Col. Bill Hess passed while I was talking to them going to Fort Scott.
- Q Did you ask them where they was going to? A They said they was moving back.
- Q Well this 24 or more wagons was loaded with people?
- A Yes, mostly every one had household goods in them.
- Q Colony of Cherokee Freedmen? A Yes, sir, coming back to the Cherokee Nation.
- Q Well now that was, where you say it was? A It was right on this side of the Neosho River, between the old Hudson place and Neosho River.
- Q How far from the Neosho River? A I suppose half a mile.

Q How far from the north line of the Cherokee Nation?
 A I think the river is the line, about half a mile.
 Q And how far is that from the Kansas line? A The Neosho is the line, way I understand it.
 Q You had reference to where the military road crosses the Neosho river? A Yes, sir.
 Q At Jack Hobain's ferry? A They called it Hudson ferry at that time.
 Q Hudson lived there? A Yes, sir, in about a half mile.
 Q And this Moses Whitlire you met and talked with is the same one you knew in Going Snake and belonged to the Whitlir family there?
 A Yes, sir.
 Q About how old a man was he when you met him? A He is an older man I think than I am.
 Q And you saw other with him you know? A I think Aaron Whitlire and Moses Whitlire and old Major Wright is the old ones I know.
 Q And you talked with him there? A Oh, I guess I talked with him ten or 15, 20 minutes and while I was talking to him Col. Ross passed going to Fort Scott.
 Q Do you know where this man Whitlire lives now, Moses Whitlire you met?
 A No, I don't know where he lives.

LE. HASTINGS, Cherokee Representative:

Q Don't you know he lives on Salt Creek near Hayden? A No, I don't know for certain I heard he lived on Big Creek. I don't know thought where he lives, I have saw him ever since I have been here. I don't think I ever was at his house.

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I hereby certify upon my official oath as stenographer to the Commission to the Five Civilized Tribes that I correctly recorded the testimony and proceedings had in this case on the above date, and that the foregoing is a true and complete transcript of my stenographic notes thereof.

(Signed) J. O. Robson.

Stenographer.

To be filed with F. D. 312.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., May, 13, 1903.

In the matter of the application of Elizabeth Heige for the enrollment of herself as a Cherokee Freedman.

Cherokee Nation appears by E. F. Hastings.
Applicant appears by L. T. Brown.

MRS. LYDIA BARTON, being first duly sworn, testified as follows:

- MR. HASTINGS: That is your name? A Mrs. Lydia Barton.
- Q What is your business? A Fort Scott, Kansas.
- Q Do you hold any official position at the present time? A Yes, sir.
- Q What is it? A County Clerk.
- Q Of the county in which Fort Scott is located? A Yes, sir.
- Q Have you an official paper? A Yes, sir.
- Q What is it? A Our official paper at the present time is the Republican, but that changes you know from time to time.
- Q Do you know what your official paper was in December, 1865, and up to and including March of 1867? A Yes, sir.
- Q What was it? A The Fort Scott Monitor.
- Q Are you required to keep files of this paper in your office? A We are.
- Q Have you a file of the official paper including December, 23, 1865? up to and including March of 1867? A Yes, sir. (Here presents files.)
- MR. HASTINGS: The Cherokee Nation offers in evidence the account found in the Fort Scott Monitor of date Wednesday, December, 26, 1866, found on the second column of the editorial page, headed "Another Murder."
- MR. BROWN: Comes now the agent for the applicant and objects to the introduction of these newspaper accounts for the reason that they are incompetent, irrelevant and immaterial, and purely hearsay.
- COMMISSIONER: The objection will be noted and the newspaper accounts introduced as evidence and considered for what they are worth.

"Another Murder."

Shooting of D. Hayford.

Testimony given before the coroner.

On Saturday night, the 23rd inst., after dark, Mr. Dyer Hayford, of this city was found murdered. A colored man, named Eli Mackey, has been arrested, and is in jail, charged with the crime. There would not seem to be much, if any, doubt of his guilt. Mr. Hayford, has been a resident of Fort Scott for several years, has kept a grocery and provision store on the corner of Williams and Bigler Streets, and was a very quiet and inoffensive man. The facts of his murder as we learn them, are these.

On Saturday, about dark, the sack of flour which Mr. Hayford had placed on a box, outside the door of his store, was stolen. Being missed almost immediately, and learning that Mackey had taken it, and was then on his way home with it, (Mackey resides near Fort Scott mills,) Mr. Hayford jumped on a horse and started towards the mill. He had not been gone more than twenty or thirty minutes before several shots were fired, on the road between the city and the mills, where Mr. Hayford was found on the ground, in the last agonies of death. He had received four shots from a weapon, evidently a revolver.

Suspicion was at once directed to Mackey and he was arrested. As the news spread through the city, the excitement and the indignation was great, and many threats of lynching Mackey were made; but wiser and better counsels prevailed, and there was no disturbance.

On Sunday, Justice Bargrave was called on to hold a coroner's inquest. A jury was empanelled, consisting of Messrs. C. F. Drake, Joseph Ray, Frank Clough, Porter Williams, Jos. Hadden, and R. L. Phillips. The body of Mr. Hayford having removed to his late residence, the jury proceeded to inquire into the cause of his death. We give the principal part of the testimony given before the jury.

Drs. J. S. Redford and B. F. Herler made a post-mortem examination, and testified that they found four pistol or gun-shot wounds on the body and face of Dyor Hayford, then lying dead before them. One shot entered the region of the stomach which came out over the liver, in the side of the back. This wound bears evidence that the pistol was held close to the body when discharged. Two other wounds found on the body were about two inches above the left nipple and about an inch and a half apart; one ball passing through, coming out below the left shoulder, the other ranging downward, and was found close to the spinal column, a few inches below the lower ribs on the left side of the body. The fourth ball entered the upper part of the chin, not fracturing the bone, and lodged in the right shoulder, (evidently fired, we think, after he was on the ground.) The surgeons testified that any of the three wounds found on his body would have been mortal.

Alonso Cullin, (colored) sworn - Was at Hayford's Saturday evening, just after six o'clock, came on horseback, left my horse at the door, went in and found Hayford alone and coming toward the door; Eli Mackey, colored, was standing on the walk when I went into Hayford's; a sack of flour was standing on the box at the door when I went in; Hayford came out and the flour was gone; he asked who was there when I came in, and I told him; asked me to get on my horse and follow Mackey and see if he had the flour; did so; rode very fast and overtook Mackey at the mill, going toward the mill; he had stopped and the sack of flour was on the ground beside him; his coat was off and thrown over the flour but the end of the sack was in sight; I rode close to him; he put his hands up to his sides and was blowing right smart; I inquired if he had seen a steer with a rope on his neck; he said no; I rode back toward Hayford's and told him Mackey had the flour and where it was; Hayford said he would go and get the flour, and asked me for my pony; he got on and rode down the road; he had been gone a good while before I heard the firing; he had been gone long enough to ride to the mill and back to the place where he was shot, before I heard the firing. When I saw Mackey at Hayford's he had on a soldier's coat; it was off when I found him with the flour. Didn't notice that at any time whether Mackey had any arms or weapons with him; saw him again after he was arrested, a short time after Hayford was killed; he then had a different coat. He asked what he was arrested for; he was told, for stealing flour; he asked who had seen him with the flour; he was then told he had shot Hayford, and he said he had nothing to shoot with. I know that he generally carried a revolver; when I saw him with the flour I didn't notice whether he had one or not. When Hayford started from the store, he said he would go and get Mr. Myers to go with him to get the flour; from the place where I saw Mackey with the flour to that where Hayford was shot, is about one hundred yards. I heard three shots distinctly.

Harry Lender, (colored) sworn - Saturday evening heard several shots fired. Was at home, lived near the mill close by Eli Mackey. About twenty minutes after the shots were fired Mackey came to my door; asked me if his wife was there; told him no. He seemed to be in a hurry. He had on a black soldier's coat; the shooting sounded as if it was south from my house, and about the place where Hayford was found; someone rode down to Mackey's and returned about fifteen minutes, before the shots were fired. Saw the coat which Mackey wore when he came to my house, at his house afterward. - Do not know whether he had any revolver then or not, he usually carries one, have seen him have one several times. I did not notice any flour on his coat. It was a navy revolver which Mackey usually carried. He also owns a gun; didn't see that at his house that night. When Mackey left my house he went to his house, and soon afterward heard him going back to town whistling. Mr. Jones found the sack of flour at the edge of the creek; looked as if thrown down the bank. Was found about twenty yards from Mackey's house. Saw Mackey have a revolver on Friday the day before Hayford was killed.

L. C. H. Myers, sworn - I live about 100 yards west of Eli Mackey's. Saturday night was at home sick abed; a man came to my house and inquired for me; I heard him and know by his voice that it was Mr. Hayford; have known him several years. He left and my wife said he rode in a northerly direction, that is the way from my house to Mackey's. About five minutes after he left I heard some distinct shots. From the sound thought they were about 150 yards off and southwest from my house. After the firing heard someone talking fast, whistling; he was going towards town.

Stephen Looney, (col.) sworn - After dark Saturday night I saw Eli Mackey at Smith's saloon. He asked me to play cards with him that night. He went out and I told him not to stay long. I waited a good bit and Mackey didn't come back and I went out and called him; he didn't answer; I then went over to Hayford's and learned that a sack of flour had been stolen. Didn't notice whether Hayford was there or not. Alonso Cullin told me he saw Mackey on the road towards home, and that Mackey heard me call, but wouldn't answer. Didn't see Mackey again until Mr. Jones had arrested him, and brought him up to town. When I saw Mackey at Smith's he had on a soldier's black coat; he had a revolver on him then; it was a big navy revolver. When I saw him after he was arrested, I think he had on a different coat.

Daniel O'Neill, sworn - Saturday night I was at Kirby's and heard a shot fired; and soon after heard a man halloo; run out and another shot was fired before I got out; immediately after heard another shot and saw the flash of a pistol down in the bottom toward the mill. Alex Farria, Westly Dickey and myself run down the road. We found a man lying on his side; his face was turned downward; he was alive but could not speak. From the sound I know it was a pistol that was fired. Came to town to find Mr. Jones, Deputy Marshal.

The coroner's jury returned to the justice their inquisition, stating that Ever Hayford came to his death by gun-shot wounds received at the hands of Eli Mackey; they also found that Mackey had feloniously and wilfully fired the revolver at Mr. Hayford with intent to kill him.

Mackey will have his examination soon, before Justice Mangrove, and will no doubt be committed for trial at the next April term of the district court. Mackey is said to be a very dangerous man; he was raised in the Cherokee Nation, and is said to be part Cherokee. He is also accused of having assassinated two men in the Nation, before he came to Fort Scott.

and he was once before arrested here, for shooting at a man; but before his trial came off the prosecuting witness left for parts unknown, and Mackey was discharged without trial. Let him be tried for the offence with which he now stands charged, and if guilty he should expiate his crime on the gallows."

MR. HASTINGS: I desire to introduce an editorial from the Fort Scott Monitor of date February 27, 1867, as follows:

"Eli Mackey, colored, accused of the murder of Dyer Hayford, confined in our jail, to await his trial at the next term of the District Court, for murder in the first degree, escaped last evening, and up to the time of going to press this morning, has not been heard of. A reward of two hundred dollars is offered for his apprehension."

MR. HASTINGS: The Cherokee Nation offers in evidence the following from the Fort Scott Monitor of Wednesday, March 27, 1867:

"A Chapter of Horror,
Murderer of Hayford Captured and Hung."

Tragic events connected with the affair.

The history of our community for the past week is replete with horrors, such as will, for long days to come, overshadow the hearts of our citizens with gloom.

A few weeks ago, we published an account of the escape of Eli Mackey, the black fiend, who last winter murdered Dyer Hayford. Ever since that time the officers of justice have been on the alert with a view of his recapture, and on Wednesday, the 26th inst., Deputy Sheriff Wheaton, having learned that the murderer was concealed in his brother's house, about five miles northeast of this city, started, in company with his son, Charles T. Wheaton, Edward Coe - who were on police duty in this city - and Benj. Files, for the purpose of capturing him.

On arriving at the house, Messrs. Coe and Wheaton, Jr., approached and ordered the wretch to surrender. In return he fired several shots through the partially open door, and then ran out of the house into the open prairie. Coe, being nearest, received the first shots that were fired. He stepped to the corner of the house, sat down and expired in about fifteen minutes. Immediately after Charley Wheaton received a ball in the right side and fell to the ground. For some time no hope was entertained for his recovery; but at the present writing his condition is improved, and his friends entertain some hopes that he will live.

In the mean time a number of the neighbors had gone around and headed by Capt. Curtis Johnson, Mr. Files and Mr. Dickinson started in pursuit. The murderer, with a gun and revolver in his hands, ran fleetly across the prairie, firing at his pursuers as he ran, and dropping down to load as fast as his weapon became empty. Finally, when nearly dead from the wounds he received from his pursuers, he signified his readiness to surrender; but even after they approached him his bloodthirsty spirit was not satisfied, and he fired the two remaining shots in his revolver at the crowd. Fortunately, no one was injured, though Mr. Dickinson had part of his coat shot off. After the murderer was secured he was taken back to the house from which he had fled and hung by the neck until he was dead. Before his death he tried to implicate an innocent negro in the murder of Mr. Hayford, but having been caught in the falsehood, he confessed to having committed the deed himself. He also confessed to having killed five other men, and also to having shot at Major Mefford last winter. - All reports indicate that he has always been a character with scarcely a parallel in the annals of history for desperation

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and bloodthirstiness. - We are informed that at one time, in the Cherokee Nation, 25 men attempted to arrest him but failed on account of his desperation. The colored people, who knew him, were terrible afraid of him. History has seldom presented a character so utterly lost even to every sentiment of humanity.

As a general rule, we have always depreciated the taking of life except by due process of law, as dangerous to the peace and quiet of the community and to the best interests of society. We have always found that nothing but the most extreme necessity would justify it, but we believe in this instance that necessity existed; for every moment this desperado was allowed to live, endangered the lives of good citizens. We learn that the house he occupied was since burned to the ground. The sufferers from their attempt to arrest him, were among the best of our young men. As members of the police force of this city they have performed their duties faithfully. Generous and brave to a fault, the death of one and the danger to the other creates a spirit of sadness that cannot soon be eradicated.

The body of Mr. Coe was brought into the city, and on Friday after a funeral sermon by Mr. Irwin was escorted by a large procession, headed by the members of the Grand Army of the Republic, to the cemetery where it was interred.

Sequel.

On Thursday night a crowd of about fifty men, still laboring under the excitement growing out of the tragedy of Wednesday, entered the jail and having possessed themselves of the keys took Jackson Mackey and Harry Vann - on the brother who harbored the murderer and the other charged with furnishing provisions and aiding in his concealment, to the ravine near the poorhouse and hung them to a tree where their lifeless bodies were found next morning. So quietly was this done that few in the city except those who participated knew of it until the next morning.

Benjamin Files, being first duly sworn, testified as follows:

MR. HASTINGS: What's your name? A Benjamin Files.

Q What is your postoffice? A Fort Scott.

Q Where? A Kansas, yes, sir.

Q Were you living there at the close of the war? A Yes, sir.

Q Were you living there in '66, December? A I have lived there ever since '69.

Q Did you know Dyer Hayford? A Yes, sir.

Q Had you known him before December '66. A Yes sir, I had known him in the neighborhood of two years before that and knew him up until that time.

Q Was he killed? A He was killed at Fort Scott.

Q Was he killed in the town? A He was killed just at the brink of the hill along in the mouth; yes, sir he was killed in the city just about the brink of the hill.

Q About what time of the day was he killed? A He was killed just after dark, just dark.

Q Do you know who killed him, who was said to have killed him, who was accused of killing him? A Yes, sir.

Q What was his name? A Ed Mackey.

Q Was he a colored man? A Yes sir, he was.

Q Did you assist in his arrest? Yes, sir.

Q Who arrested him? Myself and a man we called Deacon Jones.

Q That this other man here with you? A Yes, sir.

Q About how long after this reported killing? A I heard the shots fired, then run down there and run over him; I lit a match and this man died his breath twice. From the time the shots fired I wouldn't it was more than twenty minutes.

Q Twenty minutes? A Yes, sir.

Q Had it become generally known at the time of the arrest? A No, sir.

Q There was no time for the public to know? A Only a few people knew; I heard the shots fired myself and run down there.

Q And a few people knew that the killing had taken place before he was arrested? A Yes, sir.

Q And the excitement then, was that after that? A Yes, sir, they didn't have time to know it.

Q Was he put in jail? A Yes, sir.

Q You remember how long he remained in jail? A Till about the twentieth, sometime in February, 28th I think it was.

Q Of February following, of '07? A Yes, sir.

Q Well did he make his escape? A He got away.

Q He got away? A Yes, sir, he got past the turnkey, Ed Coe.

Q Ed Coe was the turnkey was he? A Yes, sir.

Q I will ask you then if there was any searching parties out for this man? Yes, sir.

Q For how long? I think he was killed on the 20th of March.

Q From then about the 28th of February until the 20th of March people looked for him, a reward offered for him? Yes, sir, some three hundred dollars I believe.

Q Well were there quite a number of people out searching for him?

A Yes, sir.

Q Considerable excitement at that time? A Yes, sir.

Q Did people go out in the country looking for him? A Yes, sir, and searched houses and searched lands, they looked around for him, but failed to find him.

Q Up until that time? Yes, sir.

Q You say that was for about three weeks? A Yes, sir, something over three weeks.

Q From the 28th of February up until about the 20th of March? A Yes, sir.

Q Do you know whether this Bill Mackey was reputed to be a Cherokee darkey or not? A Yes, sir, he was.

Q I believe there was a newspaper account to the effect that when he was captured he was hung up there? A He was killed, yes, sir.

Q What I want to get particularly from you was whether there was any search made for him at that time he was killed or whether search was made for him after his escape, after the 28th of February? A There was no search made for Mackey until he broke jail.

Q No houses searched, nor no wagons, nor no nothing when he was first captured? A He was in jail. I don't think it was much over a half an hour, I don't think it was any; he was in jail in not much over half an hour after he shot Hayford.

Q And you helped to arrest him? Yes, sir, I got to Hayford before he died, but he was too far gone; I lit a match and he was too far gone to speak.

Q You had known Hayford prior to that time? A Yes, sir, him and me was friends.

Q You was a friend of his? A Yes, sir.

H. C. Jones, being first duly sworn, testified as follows:

VR. HASTINGS: What is your name? A H. C. Jones.

Q What is your postoffice? A Port Scott.

Q Kansas? A Kansas, yes, sir.

Q What is your age, please sir? A 36.

Q Were you holding any office in the town of Port Scott, Kansas, in December of '66? A I was.

Q Well were you holding any office at the time a man by the name of Hayford was killed by Eli Mackey? A I was.

Q What office was that? A City marshal, called town constable.

Q You was a city policeman? A Yes, sir.

Q Did you assist in his first arrest? A I did.

Q Who assisted you in the arrest? A Mr. Benjamin Files.

Q This man that's present here? A Yes, sir.

Q Did you hear the shots that killed Hayford? A I did.

Q How soon after Hayford was killed was Mackey arrested, Eli Mackey? A 20 or 25 minutes, inside of a half hour at most.

Q Very short time? A Yes, sir.

Q Had any houses or wagons or anything of that kind been searched in the mean time? A No, sir, there was no knowledge.

Q People didn't generally know it up to that time? A No, sir.

Q Put in jail then? A He was taken right to the jail as soon as he was arrested, he was hurried off to jail for fear of any mob violence.

Q Well how long did he remain in jail, do you remember? A Why I think something like six weeks or more.

Q Well the Port Scott Monitor puts it about February 26th? A I presume that was right, it was correct. It was hard for me to remember exactly.

Q Well he remained in jail up to that time? A Up till that time, he was not out of jail except while he was under guard.

Q He made his escape then? A He made his escape, yes, sir, at the time.

Q You know how long he was at large? A Well I put it something like three weeks.

Q I will ask you if there was any searches at that time made for him?

A You mean after?

Q When he got away after February 26th? A Oh yes, sir, there was considerable hunt for him at that time.

Q Reward offered for him? A Yes, sir, reward offered.

Q People searched around in the country for him? A There was quite a number of both officials and independent searches, they would search for him for the first couple of weeks of his escape from there.

Q He was afterwards captured was he? A Yes, sir, he was located afterwards, he hadn't been out of a radius of probably ten miles from there after he got away, he was captured.

Q Do you know whether this Eli Mackey was reputed to be a Cherokee colored man? A He was called a Cherokee refugee, yes, sir, had the reputation, that is his name, of being a Cherokee nigger.

Q QUESTION: You are positive about these dates? A To the best of my knowledge now, I would have put it, that is, a week before the holidays, and I knew it was only a few days before Christmas when the killing was done.

Q '67? A In '66 the killing was done.

Q Few days before Christmas of '66? A Yes, sir.

MR. HASTINGS: The Cherokee Nation asks that all the testimony introduced in the case of Aaron Webster, D-216, with reference to the return of the Webster detachment, be introduced and made a part of the record in this case.

MR. BROWN: Comes here the agent for the applicant and moves the Commission to strike from the records of this case all the testimony taken on this day, for the reason that it is incompetent, irrelevant, and immaterial and not the best evidence, it being purely hearsay.

COMMISSION: The request of the representative of the Cherokee Nation will be complied with, and the testimony filed.

This testimony will be filed with and made a part of the record in the following Cherokee Freedmen cases: No. D-394, D-396, D-398, D-401, D-402, D-404, D-407, D-475, and in D-381, the same being the case at bar.

Arthur G. Croninger, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the testimony and proceedings in the above case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) Arthur G. Croninger.

Subscribed and sworn to before me this 11th day of May, 1902.

(Seal)

(Signed) Philip C. Renter,

Notary Public.

I, Arthur G. Evans, a stenographer to the Commission to the Five Civilized Tribes, on oath, state that the above and foregoing is a true and perfect copy of the original now on file with the Commission as the same was made by me.

Arthur G. Evans

Subscribed and sworn to before me this 23rd day of July, 1902.

Philip C. Renter
Notary Public

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogean, E. T., May 26, 1902.

In the matter of the application of Edward Wright for enrollment of himself as a Cherokee Freedman.

APPEARANCES:

Ben J. Scoville, representing E. B. Lanson, for applicant.
W. W. Hastings, for Cherokee Nation.

COMMISSION: The Cherokee Nation, by its representative, makes satisfactory proof of service on the applicant's attorney that it would, on the 20th day of May, 1902 introduce testimony tending to disprove the right of the said Edward Wright to enrollment as a Cherokee Freedman. The applicant this day appears by his attorney, E. B. Lanson, who is represented by Ben J. Scoville, Nowata, Indian Territory.

MR. HASTINGS: The Cherokee Nation offers in evidence a decision of the Cherokee Commission on Citizenship as found on page 55 of a book taken from the records of the Executive Department of the Cherokee Nation entitled, "Docket of the Cherokee Commission on Citizenship," as follows:

"No. 85 Edward Wright
vs
Cherokee Nation.

(Ex. 7th of June.
(Answer filed.

Judgment against claimant June 27, 1879."

The Cherokee Nation also offers in evidence from the same record as above page 67 of the same, the following:

"No. 89. Major Wright
vs
Cherokee Nation.

(Ex. June 7th, statement filed
on the 28 of June.
1st July not, 1st Aug.
set for trial.
June 27th, 1879."

Judgment against claimant June 27th, 1879."

The Cherokee Nation offers in evidence the application made for citizenship in the Cherokee Nation by Lewis Whitmire on the 26th day of June, 1878, as found on pages 164 and 5 of book B, entitled, "Citizenship record 1874," as follows:

"before the Commission sitting at Tahlequah to re-claims to Cherokee citizenship.

The undersigned claimant in the case of
Lewis Whitmire

vs
Cherokee Nation

respectfully presents the following statement of his claim according to the requirement of the Commission.

Claimant claims under classification five of claimants in the law creating this Commission, that is, as a colored person formerly a slave owned by a citizen and resident of the Nation at the

beginning of the late war, freed by law and made a citizen of this Nation by provision of the treaty of 1866. For
claimant was at the time and place above said owned by George Whitmire, a Cherokee citizen, left the country during the war and returned in the summer of 1866 to select and prepare a home for his family (they then being without one) and again the following year prosecuting the work as his circumstances and the condition of the country at that time prevented and leaving his family in the interim of time when they would subsist without discomfort and exposure and until a removal of their was practicable which removal of claimants finally was accomplished to the point of the Nation settled by claimants for their and his home in the spring of 1867. Claimants rights have been called in question by competent authority, and so therefore presents them to the important examination of this Commission as are authorized to do by law.
This June 28, 1878.

Lewis Whitmire,

By W. F. Boudinot, Atty.

The Cherokee Nation offers the following from the same book and continuing on the same page, the application of Moses Whitmire as follows:

"Before the Honorable Commission sitting at Tahlequah to try rights to Cherokee citizenship.

In case of Moses Whitmire

vs

Cherokee Nation,

claiming Cherokee citizenship.

Claimant claims under the fifth modification of the classes of claimants to citizenship as found in the law creating this Commission, to wit as a colored person formerly a slave owned by one George Whitmire, Cherokee citizen, resident of this Nation at the beginning of the late war, and freed by law and made a citizen by provision of the treaty of 1866. Claimant respectfully refers to the statement by claimant Lewis Whitmire as embracing the facts which the present claimant would submit to the Commission as the grounds of his claim.

Respectfully submitted,

Moses Whitmire,

By W. F. Boudinot, Atty."

The Cherokee Nation offers in evidence from a book taken from the Executive Department of the Cherokee Nation entitled, "Register of evidence before court of Commission Cherokee court, Book A," page 239, case No. 60, as follows:

"Case 60.

Tahlequah,

July 3, 1878.

Aaron Whitmire

vs

Cherokee Nation.

Mike Field a witness for claimant called and sworn.
I am I think I am about 47 years old. I live in Illinois District, C. N. Am a citizen of the Nation. I have been on the doubtful roll but had my rights proven up before the Supreme Court.

As a citizen under the treaty of 1865, I went north to the state of Kansas in '62. I returned in August 21st or 22nd, 1866. I left my family in Fort Scott when I came. I came down to get up a claim. I staid about three weeks that time, and then returned to Fort Scott. After I returned to Fort Scott there were others who started down, the Whitmires were of that number. The claimant was one of them. They came down in Decr. 1866. They returned to Fort Scott before I left there. I left Kansas about the end of Jan. 1867 and got to the crossing of the Neosho river about the last of January. When I first came down there was about 15 in the party. They left their families in Kans. when they came down here. There was some of party come with the Whitmires who piloted the Whitmire party and my party were Sam Webber, Mike Daniels, Sam Robbers Jr., Aaron Webber, Reubin Sanders, Tuck Sanders. The Whitmire proper were Aaron, Lewis, Heco, Dennis and Nelson Whitmire and others that I do not recollect. The object of this party coming was for the purpose of erecting houses. When I moved with my family I stopped on Pryors Creek at Mrs. Alberty's and remained about two weeks. The reason we left that part of the country was because that part of the country was too sparsely settled and bare of subsistence. As I was coming down the first time we were overtaken by the Cherokee delegation. They were some who come here were authorized by others to look to claims for them, one was by Hakey requesting Aba Fields to locate for him. The original request

Stone Examined.

I can not remember the date I arrived here the first time from Kansas. The claim we made I got three sets of house logs, hauled them and piled them up, and some of the men put up houses, I did not put up a house. I started back to Kansas about the middle of September. When I first left the country it was in February, 1863. I was a slave before the war and was owned by Sam Taylor when the war broke out. He was living on Greenleaf near Bushy Mountain on this side of Arks. River. When the Whitmires returned to Fort Scott I do not know when they last were to come to this country as I left them there when I left. It was reported when they returned to the notion that the Whitmire party had built houses. But I do not know this myself as I was not along. I only heard they had. The war closed in 1865 I think. I did not know it myself but people told me who could read.

I do not know myself that it was the month of Aug. When I come here first, but I was told it was that time.

No Direct.

It was the December following the time I first came down that the Whitmires come down first to select and improve claims.

Nick x Fields.
his mk.

Aaron Whitmire
vs

Cherokee Nation.
called and sworn.

August 1, 1878.

Aluford Alberty, witness for claimant.

I reside in Cooweescoowee District, C. N. I am a native Cherokee citizen. I left the Nation during the war. I returned to the Nation on the west side of Grand River, Cooweescoowee District.

on the 3rd of September, 1866. I had occasion some time in the last of Oct., or the first of Nov., or probably it might have been as late as the middle of November, to go to the Viridifris. While out there I fell in with a party of seven or eight persons who were camped with others near San Oruchas. I did not go to the camp. They were colored people. I know most of them. Their names were old Sam Webber, Aaron Whitmire, and a younger brother and Lewis Whitmire.

There was another person whom I was told was a Landrum. I do not recollect any of the others and can not identify them. The Whitmires were Johnson and George Whitmire, Aaron, Lewis and his mother belonged to George. In conversation with Sam Webber he asked me if I knew anything about the treaty and if Jim McDaniel had got home. I told him I had not seen the treaty but had heard rumors about it. He told me they had come to pick themselves horses or make claims and that he was the leader of the company and the reason why Major Wright did not come was that he was an old man, but that he had sent his son down to work for him and give him a claim. He then asked what chances there was to get provisions over on the river; I told him there was none there, but that there was a lot of condemned flour at Gibson and if they would go there they would get some. He also represented that they had come down to make claims for others, who had remained in Kansas, to build them homes and so forth. They also stated that they were notified to come, and that they had accordingly come to make claims for themselves and the others that they left behind in Kansas. As near as I can recollect it was some time in October or November that I saw these parties. I was not very cold weather at the time. I recollect as I camped out at night. I did not see any of these parties after this time, May, 1867. There were no provisions to be had in this country at that time. Provisions were very scarce. It was my understanding that they had come to prepare homes for themselves and families. They told me so at least. Major Wright belonged to Cornelius Wright before the war.

Cross Examined.

I heard after this some of them went back to Kansas. At the time I met them I do not know whether their families were with them. I think I saw Dennis Whitmire with this party, but am not certain of seeing Dennis or Nelson. I know there was four of the Whitmire boys. They were owned in the Nation and resided here up to the breaking out of the war.

B. F. Alberty.

Aaron Whitmire

vs

Cherokee Nation.

I know Melissa Ratliff. She was twelve or thirteen years old at the close of the war.

She was living with me then and still lives in my family. Jack Landrum was one of the band above referred to, also Hanson Daniels. I learned from our leaders Uncle Mike and Sam Webber that the Cherokee delegates advised us to settle in a compact body on unoccupied lands. He ordered the Neosho in coming down at McLane's Ferry in 1866. The chief ferryman who crossed us was Bill Martin.

While on Lightning Creek in 1866 I saw Mr. Alberty but had no conversation with him, but Sam Webber had in my presence.

Cross Examined.

I am a claimant before this court for citizenship. I am half-brother of Aaron Whitmire, Louis, Dennis and Nelson are also my brothers. Mariah Whitmire is my sister. Major Wright is my stepfather. The names of the party that came with me to the Nation are as follows: Mike Sanders, Sam Webber, Peter Heigs, Bill Foreman, Tuck Sanders, Ransom Daniels, Sam Webber, Jr., Louis Whitmire, Nelson Whitmire, Dennis Whitmire, Aaron Whitmire, is all I can recollect now. Witness and my brother were authorized to make claims for others still back in Kansas. Dennis made a claim for Major Wright. I can't name any others. Witness was a man of family in 1866 when we came on from Kansas. My family was at Fort Scott. Melissa Ratliff, Ed Wright, and my wife and myself composed my family. Louis had no family. Aaron and Nelson did. Major, Sam, Nelson and Allen were Aaron's children and his wife, Sarah. They were left, the wife and children in Fort Scott when we came in 1866. Eliza Sanders, Thos. Sanders were Nelson's family and back at Fort Scott. We went back 1st January, 1866 to Kansas after coming to the Nation. Then witness returned in 1867 to the Nation Aaron, Louis, Nelson, Dennis, Ransom Daniels, Tuck Sanders, Peter Heigs and the families of those who had families all come as I did besides others not particularly remembered. This was the first time any of our families had been to the Nation, at least mine, Aaron's and Nelson's.

The first time Mariah Whitmire was in the Nation after the war closed was after our parties returned in families in 1867.

The first time Major Wright returned was on our first trip in 1867. Melissa Ratliff was owned by one Alec Ratliff at breaking out of war. She first came in March 1867. Jack Landrum was along in 1866. He was a slave at the beginning of the war. I was present during the examination of Mr. Alberty as a witness in this case.

Re Direct.

Mariah's family at the close of the war was a separate family. Harry Whitmire, her son, represented his mother on the first trip in 1866. Witness is about 53 yrs. old. Major Wright was an old man at the close of the war. Louis Whitmire had been back to the Nation before 1866.

Attest

D. L. Nicholson,
Clerk.

Edw. Whitmire,
mark.

Aaron Whitmire & Family) Case 63.
vs)
Cherokee Nation.) claiming citizenship.

Now comes claimant by Atty before the Commission sitting at Tahlequah to try certain claims for citizenship in the Cherokee Nation and makes this his statement of his grounds for said claim to wit-

Claimant is a colored person and claims as aforesaid under privilege of the fifth specification of the classes of claims preferred by law to the Commission to examine and decide rights by competent authority having been denied citizens.

Claimant belongs to Gen. Whitmire a Cherokee citizen at the commencement of the war of the rebellion and was then living in this

Nation. After the beginning of said war claimant moved to or the vicinity of Fort Scott with his family at which location he resided until the summer of 1866 when he returned to this Nation and proceeded to select and improve a home on the Verdigris River for himself and family's permanent residence.

While he was thus making preparations for the removal of his family by providing for their habitation and subsistence at the place mentioned they his family remained where they had been sojourning during the war.

Claimant was compelled by unfavorable circumstances and the attention he was obliged to bestow upon his family to remit his work upon his improvement on Verdigris River from the early fall of 1866 to the early winter of the same year, when he resumed labor upon his improvement, after which he removed his family as soon as practicable to wit in the spring of the year of 1867.

Claimant claims to have returned to this Nation in his own person and as representative of his family within the time provided for by treaty, in that having no residence to come to as other former citizens he did everything possible to constitute a return consistent with the duty he owed to his family by laboring as far as his means allowed to provide a home in this Nation.

Respectfully submitted,

Aaron Whitmire,
By Atty Wm. P. Boudinot.

Aaron Whitmire
vs
Cherokee Nation.

August 1st, 1878.

Wm. Martin, witness for claimant, called and sworn.

I live on Big Creek, Oopwassoowas, C. N. Am a citizen of the Nation. From August up to Christmas 1866 I was at the ferry on the Neosho River on the old military road leading from Fort Scott, Kansas to Fort Gibson, C. N. Am acquainted with claimant and his brother, Lewis, never knew Aaron until I met him at the river. Lewis I knew prior to that time. While I was in charge of the ferry I recollect having met claimant and Mose, Lewis, Dennis and Nelson, Whitmire, Peter Neigs, Mike Sanders, Sam Webber, and Young Sam, Bill Foreman and others but I did not recollect anything about them. They were traveling. They stated they were coming from Fort Scott, Kans, they were traveling from the direction of Fort Scott. I crossed them from the Shawnee side of the River into the Cherokee Nation, they inquired the road to Big Creek. McLean gave them the directions to the head of Big Creek. They stated the reason why they were coming was that the Cherokee Delegation had invited them to come back under the treaty. They mentioned Jim McDonald as the principal one who had invited them and they were then on their way to select themselves homes.

It was after the Delegation returned that I met claimant and the others spoken of it was pretty cold weather when I crossed them. It was as near as I can recollect about the last of October, 1866. I am positive it was before Christmas at I left them at Christmas or probably a few days before Christmas.

Cross Examined.

I was not acquainted with the claimant nor any of the others named previous to the war.

I do not know who owned before the war. I do not know whether they had lived in the Nation previous to the war. I do not recollect of seeing any of the families of the parties named at the time,

I crossed them over the river. I sat some of this same party back over the river a short time after they had come in, Lewis, Palmer and Dennis Whitmire and little Sam Webber and I think they were more who crossed back but I can not place them now. I learned the names of the parties from conversation with them, but did not become particularly acquainted with their names at that time. I think there was one woman with the party, I think she was little Sam Webber though I would not be right positive that there was a woman along or not. I was positive there was no children as I never seen any. They had camped there long enough that were they any woman and children I would have known it. The next time I saw claimant was in the fall of 1867 on Big Creek. I learned from them that they had got there in March 1867. I know this from having heard it generally talked amongst themselves.

At the present time the distance between our two settlements is about 5 miles. I recognize the claimant and the other parties spoken of. I have been there frequently since that time, I got them over the river. When I saw them in the fall of 1867 they had their families with them. The means of subsistence at the time I crossed in the country at that time was short.

Aaron Whitmire
vs
Cherokee Nation.

July 4th 1878.

William Martin.

Wm. McCracken for claimant.

Witness met claimant near Fort Gibson in Novr. or Decr. 1866. Met him at the ferryboat on Grand River.

Witness had a conversation with claimant at the ferry in which claimant said he was on his way to Going Snake his former home in the Nation and seven of claimant's brothers were behind on the road. Witness is a citizen of this Nation and knew claimant before the war.

Attest:

D. L. Nicholson, Clerk.

Wm. McCracken.

Aaron Whitmire
vs
Cherokee Nation.

Bluford Alberty.

George Whitmire before the war lived in Going Snake Dist. This Dist. borders on the line of the state of Arks. Claimant now resides near the western line of the Cherokee Nation. The settlement before the war was sparse where claimant now resides. I would say the distance from where George Whitmire resided prior to the war, and claimant's present residence is 90 or 100 miles. Witness states that he had a conversation with Sam Webber in which Webber assigned as a reason for settling where he had was that Agent Jones advised the colored people after their freedom to settle in colonies as thickly as it was convenient to do in an unoccupied part of the country.

This was thought best for the colored man as they could have their own schools so until matters were more regulated in the country. The first conversation was in the fall of 1866. The second conversation was in the spring of 1867. I saw several of their families in May, 1867 on Big Creek or Lightning Creek in the Nation.

The home of claimant is in the same locality as that at the time mentioned above. In Oct. or Nov. 1866 I gave claimant and other colored men permission to occupy two old fields in that neighborhood for the purpose of raising crops the year following. Louis Whitmire is the part of the other man. I also permitted to go on the old field. The spring of 1867 I saw Aaron and Louis Whitmire at work on the two fields spoken of. This settlement of colored people has the character of quiet industrious and law abiding citizens as much as any in the Nation. Some of these people have large and good farms all made by themselves since the war.

Witness with a party of six gentlemen in the fall of 1866 saw this colored party who settled on Big Creek afterwards in the neighborhood for the purpose as they said of selecting their homes. Several claims was then in sight of witness which the colored party said they had selected and are now the homes of the party above indicated.

Agent Jones was at the time advising said Col party. A delegation for the Cherokee Nation at Washington. There were parties as witness learned from one of them who wished to expel or drive off from their claims this colored party at the time they were prospecting the country. This was advised against by witness and it was not done or carried out. Witness' party spoken of above was composed of Cherokee citizens except one colored man. I am the sole survivor of this party except the colored man and possibly one other. Occupation of witness is herding wild cattle. I travelled a good deal in that neighborhood at that time spoken of.

"Continued on page 235."

Aaron Whitmire et al

July 16th 1878.

vs

Cherokee Nation.

John Riley.

Sworn as witness for Part. I live in Coover's Cove Dist. I first moved there in 1868 and have continued to reside there except in time of war. I came back in the month of August 1868 to the Nation. I knew Aaron Whitmire. He returned or came to the Verdigris River to live in the month of March 1867. Also came at the same time Pot & Meigs, Mike Sanders, Sam Webber, Billy Foreman, with their families and others whom I don't recollect. claimant made a crop that spring in 1867 on an old place of Aaron Landman. He had settled no other place before that.

Cross Examined.

I don't know of any colored heads or families coming in to the Nation in the month of Decr. 1866 to locate homes but I know of some who come in Sept. '66 for that purpose. I knew where Aaron Whitmire lived at this time. I was near Coody's Bluff in Decr. '66. I live on the west side of the river. claimant lives and settled on the east side of the river. If any heads of families came in Decr. 1866 I never heard of them. I never knew of Bluford Albert being in that part of the country in 1866 in the party who came down in Sept. 1866. Aaron Whitmire was not along but Mike Sanders, Sam Webber, Colbert & perhaps Billy Foreman. Moses was not along. Dennis was not along as I knew of her Maria nor Major Wright nor Nelson Whitmire that I knew of. If any such party had come down in Decr. 1866 I think certainly I would have known it.

Joseph Riley.

Randolph Riley.

(page 235)

About the middle of May 1867 a first set of a party with their families at their new homes. On June 1st and others of the colored party said witness that they returned on May 1st to the nation.

As direct.

I learned from John Coker that most of this colored party returned to Kansas after their families and a few remained. I was at General Convention of the colored people in 1868. It was witnessed understanding that the purpose of said convention was to ratify the treaty of 1868. I think the object of the convention was to ratify amendments to the constitution in or the treaty and to ratify the treaty. The treaty was concluded the 2nd of Aug. 1868 in my information. It might have been July 1st, 1868.

Witness went south during the year. J. B. Jones was not at the time herein mentioned U. S. Agent but was a delegate and was Agent afterwards.

B. W. Roberts.

Attest

U. S. Nicholson,
Clerk.

Aaron Chittire
vs
Sherokee Nation.

Testimony, May 18, 1878.

This day before John F. Lyons, Atty for Cherokee Nation and denies all and singular the allegations of plaintiff contained in the above named case.

John F. Lyons,
Atty for C. N.

Arthur G. Croninger, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the proceedings in the above case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) Arthur G. Croninger.

Subscribed and sworn to before me this 2nd day of June, 1868.

(Seal)

(Signed) P. A. Taylor.

Notary Public.

I, Arthur G. Croninger, a stenographer to the Commission to the Five Civilized Tribes, do hereby certify that the above and foregoing is a true and complete copy of the original now on file with me.

Arthur G. Croninger

Subscribed and sworn to before me this 25th day of Aug., 1868.

Prudence Jones
Notary Public.

To be filed with S. F. D. 512, Hattie Smith.

Department of the Interior,
Commission to the Five Civilized Tribes,
Tulsa, Okla., I. T. No. 82, 1902.

In the matter of the application of Charles C. Smith et al for
enrollment as Cherokee Freedmen.

TESTIMONY IN BEHALF OF APPLICANTS.

SUPPLEMENTAL TO D-614.

APPEARANCES:

LEWIS T. BROWN, representing Hallette & Smith, for applicants.
T. F. HASTINGS, for Cherokee Nation.

SAM WEBBER, being first duly sworn, testified as follows:

MR. BROWN: State your name. A Sam Webber.

Q What is your age? A About 50 or thereabouts.

Q Your birthplace? A Nowata.

Q Are you a recognized citizen of the Cherokee Nation? A Yes, sir.

Q Do you know Charles C. Smith, the applicant? A Yes, sir.

Q Do you know his wife? A Yes, sir.

Q Do you know her mother? A Yes, sir.

Q What was her mother's name? A Her name was, we called her Aunt
Tilda Dannenberg.

Q Do you know what her name was before she went by the name of
Dannenberg? A That's the name I knowed her by.

Q Do you know what her second name was? A She went by the name of
Tilda Macy before she died.

Q Do you know when she returned to the Cherokee Nation after the
close of the war? A I don't know just what month she returned; I
know when I seen her.

Q Please state when it was? A Why I saw her along just about
Christmas in '66.

Q Now Mr. Webber, go ahead and state the circumstances of your
seeing this woman at that time, and what, if anything, you done?
A Why I went down to Lightning Creek, and I live about did live
about ten or fifteen miles from Lightning, and I went down there to
see this Harry Still, and I heard she was there when then there,
she had got a little claim, this claim that Harry Still bought from
them afterwards, and she was there, her and her children.

Q Who else was there? A Why, see Harry Still and Mariah Hayden,
and we used to call Aunt Mariah's daughter Puss then was all the
name I knowed her by.

Q That's her name now? A I declare I never could give any name
only Puss.

Q That's her husband's name? A Buckner.

Q George Buckner? A Yes, sir.

Q Anyone else there? A Why this Andy Rider was there, and this
Smith's wife.

Q Charley Smith's wife? A Yes, sir, and her sisters, and a little

boy we called Jim.

Q Do you know John Roast? A Yes, sir.

Q Do you know his wife? A Yes, sir.

Q And she there? A Yes, sir, she was a girl then.

MR. HASTINGS: If Mariah Hayden testified before the Chamber Court in her application or set forth in her application before the Chancery Court that she never came here till '87 when she made application in '78, she was mistaken then was she?

MR. BROWN: Wait a minute; it is objected to for the reason that it is assuming a fact not proven.

COMMISSIONER: Objection will be noted; answer the question, Mr. Webster.

Witness: She must have been mistaken if she testified that.

MR. HASTINGS: When were you married? A I was married along after Christmas.

Q What year? A '87.

Q How long after Christmas? A Why it wasn't long after, not very long after.

Q What women came down with you in the fall of '88? In the fall of '88?

Q Yes, sir. Was there any women? A Yes, sir, let me see now, if I could tell you, there was a girl they called Celia Fox.

Q Anybody else? A And Dick Thurman's daughter, they called her Hannah.

Q Who else? A And then there was the Sanderses women, and the Helgeson women.

Q Real was Rube Sanders down here before? A Yes, sir, he was too, I know he was.

Q Well when you come as he come did you? A Yes, sir, and he come now I come.

Q All come along together? A All come along together.

Q And that was in the fall of '88? A Yes, sir, we come in the summer, and went back, and then come again, and come again in the fall.

Q You went back and come back in March of '89? A I went up there and married.

Q Well I will ask you if it is not a fact that not a single woman nor a single child come here and located north of the Prisco Road and east of the M. & T. in the winter of '88; did you have a house up there? A Yes, sir.

Q Were you living in your house? A I built a house in the summer when I come down here.

Q Was Aaron Wright living up there? A No, he wasn't living there; he come, well he come down and lived there after we moved there.

Q Well but was he living there on Lightning Creek near Mariah Whitmore when you went over there and when you saw this woman? A Oh, when I saw that woman he was living there.

Q He was living there was he? A He moved there in the spring.

Q He lived on the place where Jim Martin lives now, just right in the neighborhood, and made a crop on the old farm there without any fence.

Q What spring was that? A In the fall of '87 he moved down to Lightning Creek.

Q But when did he move to the Cherokee Nation with his family? A Aaron Wright.

Q Yes, sir. A Was he come in the winter.

Q Well at what year? A Along in '87 when Aaron Wright come.

Q. Well what time in '67? A. In the winter.

Q. Well was it in the early winter or was it in December? Was it January or '67 or was in December of '67? A. I went back to there and married and then he come down here just after that and been there ever since.

Q. Well when did Lewis Whitmire come? A. Come with us.

Q. Come along as you come did not? A. Yes, sir.

Q. Then you come as Lewis come? A. Yes, sir.

Q. Did you come as Lewis Whitmire come? A. Yes, sir; he was one of our crowd.

Q. And Reuben Sanders come at the same time? A. Yes, sir; he was one of our crowd.

Q. Whenever they come you come? A. Yes, sir.

Q. I mean when they moved their families, is that the time your families came; that is your father's family? A. Yes, sir; that's what I am talking about.

Q. And it was after this then I as you saw this woman that you spoke of, this Denmark or Matilda Denmark, it was after that, was it?

A. That was before that, before I married, you know.

Q. It was before you married? A. Yes, sir.

Q. That you saw her? A. Yes, sir.

Q. But it was after you had come down here? A. Of course.

Q. Well it was after these women had come down here? A. Yes, sir.

Q. And it was after Lewis Whitmire had come down with his family? A. Yes, sir; Lewis had no family then.

Q. Well it was after those had come with his family? A. Yes, sir.

Q. It was after you talked with Henry? A. Father had no family only we boys.

Q. Well it was after you had all come? A. Yes, sir.

Q. Maria Sanders was down here at that time? A. Yes, sir; she was down there.

Q. They were all down there, were they? A. Yes, sir.

Q. Do you belong to the Freedmen's Protective Association? A. Yes, sir.

Q. Are you one of the committee that's been around here for three months representing the Freedmen? A. I stay here all the time.

Q. I will ask you if you ain't a member of the committee down here representing them and looking after their interests? A. I am here looking after all that I witness for.

1B. NOW: Would you be on the roll of 1867? A. Yes, sir.

Q. Lewis Whitmire, Mary Whitmire, Aaron Whitmire, Reuben Sanders, are on the roll of 1867? A. Yes, sir.

MR. HARRIS: The Cherokee Nation asks that the testimony introduced by the Cherokee Nation in the case of Ed Wright, the same being Freedmen Doubtful 418, as to the time of the return of the Whitmires, also the testimony of Aaron Webster, together with the testimony introduced by the Cherokee Nation in the case of Aaron Webster, being T. B. 416, be introduced and made a part of the record in this case. The Cherokee Nation also asks that the testimony of Reuben Sanders, as well as all of the testimony introduced by the Cherokee Nation in the case of Elizabeth Neigh, the same being

Freedom Doubtful 191, be introduced and made a part of the record in this case.

COMMISSION: The above testimony and proceedings will be filed in the following Freedom cases: D-514, the same being the case at bar, that of Charles C. Smith; D-474, John J. Ross; D-511, Emily Nolan; D-515, Pearl Smith; D-516, Matilda Smith; D-522, Elmore Smith; D-523, Cora Morris; also in Cherokee Freedom cases D-517, D-518, D-520, D-521 and D-524.

Arthur G. Croninger, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the testimony and proceedings in the above case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

(Signed) Arthur G. Croninger.

Subscribed and sworn to before me this 3rd day of July, 1903.

(Seal)

(Signed) R. G. Reuter,

Notary Public.

I, Arthur G. Evans, a stenographer to the Commission to the Five Civilized Tribes, on oath, state that the above and foregoing is a true and perfect copy of the original now on file with the Commission, as the same was made by me.

Arthur G. Evans

Subscribed and sworn to before me this 26th day of July, 1903.

Amos C. Jones
Notary Public.

Freed. D-514.

File with Cherokee Freedman D- 516, Matilda Smith.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T. May 31, 1902.

In the matter of the application of Jane C. Smith for the enrollment of herself and children as Cherokee freedmen.

Applicants appear by Mellette & Smith; Cherokee Nation by J. S. Davenport. Testimony in behalf of applicant.

Frank Ross, being sworn and examined, testified as follows:

By Mr. Smith: State your name? A Frank Ross.

Q How old are you? A 54.

Q Where do you live? A On Lightning Creek, Cherokee Nation.

Q You know Charles C. Smith? A Yes sir, I know him.

Q Do you know his wife? A Yes, sir.

Q What is her name? A Jane.

Q Where do they live, Mr. Ross? A They live up on Hickory Creek, the last time I was up there.

Q In the Cherokee Nation? A Yes sir.

Q How long have they been living there? A They have been living there a good long while.

Q A Good many years? A Yes, over 21 years.

Q Who was Malinda Dannenberg? A His girls' mother.

Q The mother of Jane? A Yes sir.

Q When did you first see Malinda Dannenberg after the war? A In the winter of '66 on Lightning Creek.

Q Was it before Christmas? A Yes sir.

Q Was it in December or November of '66, or do you know? A In December of '66, along about the first of it.

Q Who did she have with her? A She had three children with her, a boy and two girls.

Q Who were they, name them? A Jane, Jin, I forgot the other ones name right now.

Q Was that the wife of this man Charles Smith? A Jane was the wife of Charles Smith. The other one is named Emma.

Q Who did she marry? A She married a man by the name of Rose.

Q What Rose? A John J. Rose.

Q What is her present name, what name does she go by now? A She married another man, I don't know his name.

Q Would you know it if you were to hear it? A Yes sir.

Q Was it Nolan? A Yes sir.

Q Her name is Emily Nolan? A Yes sir.

Q Where did you see them? A On Lightning Creek.

Q What were they doing there? A They were camped there.

Q Do you know how long they continued to stay there? A They were there when I left.

Q How long did you stay there? A I stayed there about four or five days.

Q Did you see them any more after that? A I saw them after that about four or five years after that.

Q Not until four or five years after that? A Yes sir.

Q Where did you live at that time? A I lived on Brice's Creek part of the time.

Q I mean at that time where were you living at the time you saw these people? A I was living on Brice's creek.

Q That is how far from Lightning Creek? A About 25 or 30 miles.

J. S. Davenport: You are a freedman citizen of the Cherokee Nation?

A Yes sir.

Q You have been a witness in several of these claimant cases, freedmen cases, haven't you? A Yes sir.

2-Jane C. Smith et al.

Q Well now, how old were you when the war closed? A I was about twenty, I guess.

Q Where were you living at the close of the war? A I was in the army at the close of the war. I was mustered out in '65.

Q Where were you mustered out? A At Leavenworth, Kansas.

Q What regiment did you belong to? A 79th, Company H.

Q Had you known this Matilda Dannenberg before the war? A No sir.

Q You first met her on Lightning Creek? A Yes sir.

Q Who was living with her? A They were in a camp there.

Q I asked you who was living with her when you met her? A Her children, three children.

Q Any men folks? A Harry Still.

Q Did they have a home there of any kind? A They did not have no home at that time, they just come down from Kansas then.

Q Do you know how long they stayed there? A Some of them is there yet.

Q Which some of them is there yet? A Mrs. Hayden and Harry Still is there.

Q Which of the people have continually resided there from '65 until the present time? A Jane and Jim and all of them.

Q Have they resided in the Cherokee Nation ever since '65, are you able to say they have? A Every time I saw them they were there, they never were out.

Q Don't you know they have lived out? A No, I don't know.

Q Don't you know John Rowe and Emily were married in the State of Kansas? A No sir.

Q Did you know her before? A Yes sir.

Q Before they were married? A Yes sir.

Q How many years did you see her before she and John were married? A Ten or fifteen years.

Q Before Emily Dannenberg and John Rowe were married? A Yes.

Q You are sure? A Ten or fifteen years.

Q Did you ever see Emily before the war? A I told you I didn't know them before the war.

Q You think it was at least ten years after the war before she and John were married? A I guess so.

Q Do you know anything about it? A Yes, sir.

Q If you know anything about their marriage you know they were married in '67? A I didn't see them when they got married.

Q The record of the Court shows they were married in '67? A I wasn't there when they were married.

Q It could not have been ten years from the time you saw her when she and John were married, could it? You don't remember a thing about that until you were called on, at the tale and of this business?

A Yes, sir.

Q Why, don't you know they were married in '67? A Because I wasn't there.

Q Were you living on Lightning Creek when they were living there? A Mr. Smith: I object to that.

Commissioner: Answer his question.

A All the folks that were living there knowed I was living there.

Q They had a name, who were they? A Rose Wright, Nelson Murrell.

Q Was Nelson Murrell living on Lightning Creek in '66? A Nelson Wright and Davis Whitacre were living there.

Q They do not claim to have lived on Lightning Creek until after '66; they were living on Big Creek then? A They had built their houses there in '66.

Q They claimed to have built a house there in 1866, does their testimony show that? A I never seen their testimony.

Q Don't you know they claim they come down here in the fall of '66 and stopped on the Verdigris and made a crop and then came over on Big Creek and then in '67 came to Lightning Creek? A I don't know, it was '66 when I seen them up there.

Q Where was Char- as Smith and his wife married? A I don't know.

3-Jane C. Smith et al.

- Q Where were they living when they married? A I don't know.
- Q Did you ever know them before they were married? A Yes sir, I knowed the girl.
- Q What was the girl's name? A Jane.
- Q Where did you know her? A I knowed her on Lightning Creek and on the bend, in there.
- Q What bend? A Gooseneck Bend.
- Q It is some distance from Gooseneck Bend to Lightning Creek? A About fifteen miles.
- Q How big a girl was she when you knew her? A She was a big girl about 17 or 18 years old.
- Q Was she living in a house up there? A She was living in a tent when I seen her.
- Q How often did you see her? A I saw her lots of time. I never saw her but once in '66.
- Q How long after that until you saw her again? A About four or five years.
- Q They weren't living in a house when you saw them first? A They were living in a house then.
- Q You never seen her until after '66? A I hadn't seen her until I saw her after that.
- Q When did you see her when she was living in a house? A It was along about '73 or '74.
- Q When did you see her mother, Matilda; was her mother living in the Cherokee Nation, living in a house? A I saw her living in a house along in '70.
- Q When did you see Haily Nolan living in a house in the Cherokee Nation? A I saw them living with their mother.
- Q How did it happen that you were going through that country in '66 and remember seeing those people in a tent? A I was hunting a place.
- Q In '66? A Yes, and am living there yet.
- Q You were living on Pryor Creek? A Yes sir.
- Q And you changed your locality and went up there, there wasn't hardly anyone living on Pryor Creek? A There wasn't many.
- Q Whose place did you pass when you went to Lightning Creek from Pryor Creek? A There wasn't any one living there. The country was all wild up there then.
- Q And you just happened to go out in that unsettled country away from where you lived to locate your place? A Yes sir.
- Q There was plenty of vacant land along Pryor Creek was there not? A Yes.
- Q There was plenty along Verdigris? A I didn't want to go on the Verdigris.
- Q There was plenty of vacant land there? A Yes.
- Q And plenty of it along Big Creek? A Yes, I didn't get on Big Creek.
- Q What part of Lightning Creek did you see these people pass? A Rachel Glass' place.
- Q Is that the place Harry Still afterwards bought? A No sir, he didn't buy that place.
- Q Then you have no recollection of seeing these people living in the Cherokee Nation or camping out in the Cherokee Nation until along in the '70's? A Somewhere along there.
- Q You don't know what they did in '66 when you saw them there, whether they stayed there or whether they went away? A No sir.
- Q What makes you remember it was '66? A It was after I was mustered out of the service in '66 and I come back home after that.
- Q It was the year after you were mustered out? A Yes sir.
- Q What year did you locate your farm up on Lightning Creek? A '75.
- Q Well, it took you quite a long while, about five years to locate your claim up on Lightning Creek? A Yes, but I wasn't on Brice Creek.
- Q You didn't get your place located on Lightning Creek until '71? A I went up there and took my claim.

1-June 11, 1871, at all.

Q You didn't locate your claim then in '71? A I didn't make no house on it in '68. I didn't do anything on it then, I went over it. I wanted to see what it looked like.

Q It looked like a wilderness? A Yes.

Q And you left it five years before you went back? A Yes sir, there wasn't anybody but a few old settlers, the Whitmires were there.

Q Name a Cherokee or white man that lived there? A There wasn't any lived there then. There is not many now.

Q Did the Whitmires have their women-folks there when you were there in '66? A Aunt Mariah Hayden was there.

Q What month was this in '66? A Along before Christmas.

Q You said a while ago it was in December? A Yes, December is before Christmas; Christmas is in December.

Q What makes you remember it was before Christmas? A Because it was getting cold, it was getting winter.

Q Why doesn't it get cold right after Christmas? A Yes, sometimes it gets cold before Christmas.

Q You want to get it before Christmas so as to be sure to get it within the treaty that they were there? A No, that was the time we was there.

Q Did you have a conversation with them as to their having been freedmen? A Yes, I knowed them before the war and I talked with them.

Q You stayed all night with them? A I stayed all night with Nelson Whitmire.

Q Is he living or dead? A He is dead, his wife is living.

Q Well, you don't know where Charley Smith and his wife have been living since that time? A Living on California Creek.

Q All the time since '66? A Every time I have seen them.

Q Have they always resided in the Cherokee Nation since '66? A I couldn't say that, they might have gone out somewhere; every time I saw them they were here.

Q When did you first get acquainted with Charles Smith? A It has been a long time.

Q Was it in '66? A I didn't know him until after he married this woman.

Q Was he a freedman too? A I don't know.

Q Don't you remember him as well as meeting his wife? A Yes sir, well what year did you meet Charley Smith? A I don't remember.

Q Why can't you remember him you remember his wife? A Because I remember it being directly after the war.

Q You remember because he married a girl out in the prairie, out in a camp? A I didn't say anything about in the prairie. I said it was on the forks of the Creek.

Q You remember his wife because you had met her out there? A Yes.

Q Why can't you remember the year he and his wife married? A Because I wasn't there, I don't know when they married.

Q You weren't there when they came in on that Creek were you? A Yes sir.

Q You said they were there on the Creek when you got there? A The family was there. I didn't say Charley was there.

Q You weren't there when they left either were you? A I wasn't there then.

Q You don't know anything about it except the little point of '66? A Oh, yes.

Q In later years you have seen them but you didn't see them from '66 until up in '71, you never saw one of his family living up in the Cherokee Nation on Lightning Creek? A I never said I saw them on Lightning Creek in '70, I seen them up on the Kunda band pretty near every year.

Q What year did you see them most from '66 and up to '71 at celebrations? A I saw them in '70 all along.

Q Then there was a period of five or six years you didn't know where they were? A Yes.

Q Was she married when you saw them there in 1871? A I don't know, she may have been.

5- Jane C. Smith et al.

- Q When did you first see Charley and found out that he claimed to have married this girl? A It was a good while after that.
- Q Was it as late as '80? A Before that, it was along in '77 or '78.
- Q When did you first see this Emily and know that John Rowe and she were married? A About the same time.
- Q About '77 or '80? A Somewhere along there.
- Q Did you ever know of these parties living at Lawrence, Kansas, and Topeka, Kansas? A I never was there; I come through there.
- Q Did you ever know of this family living there? A No sir.
- Q Did you know John Rowe before he and Emily were married? A No and him soldiered together.
- Q You were both mustered out in Kansas? A Yes.
- Q Did you ever see John Rowe from the time that you learned that he and Emily had married? A No, when I seen him he said he was married.
- Q Did you separate from Rowe in the Cherokee Nation or in the state after you and he were mustered out? A We separated at Leavenworth.
- Q How far is Leavenworth from Lawrence? A I don't know how far it is. It ain't very far.
- Q You made the trip didn't you? A But I didn't know how far.
- Q You have no idea what the distance is? A No sir.
- Q When you were mustered out and came down to the Cherokee Nation, do you know whether John had ever met Emily at that time? A I don't know, I left him at Leavenworth.
- Q After you met him in the Indian Territory did you have any conversation as to where they had been living before they came to the Cherokee Nation? A No sir, never had no such conversation. They told me they lived on California Creek when I first saw them.
- Q Where did they say they were living from the time you and John separated at Leavenworth, Kansas, up until the time you learned he and Emily had married? A He never told me where he was living.
- Q Do you mean that we should understand that you had soldiered with a man and been mustered out with him and then separated from him and hadn't seen him for 2 years or about that time and then when you met again you didn't ask as to where he had been during the interval? A No, he never told me and I never asked him.
- Q You and John Rowe weren't very intimate soldiers? A We were always good friends.
- Q Did Rowe ask you where you had been living? A Not that I know of.
- Q You then didn't discuss the subject of residence between you? A Not that I recollect; I don't think he asked me.
- Q What month of the year were you mustered out? A In October.
- Q Of what year? A Of '65.
- Q What year was the Wallace roll made? A Along in '80, some time in '86 I believe.
- Q Why can't you remember the exact year the Wallace Roll was made, you remember '65? A Because I remember '65 is because I was mustered out in '65.
- Q You drew money from the Wallace roll, why can't you remember that just as well as the year '66? A I don't know.
- Q What year was the Kern Clifton roll made? A Along about '89 some where.
- Q How far do you live from Charley Smith now? A He lives up on Hickory Creek.
- Q About how far is it? A About 26 miles.
- Q Has he ever lived any closer to you since he came to the Cherokee Nation than that? A No sir.
- Q How far did you live from John Rowe's? A He lives near Lenapeh, about the same distance.
- Q Did he ever live any closer to you than that? A No sir.
- Q Then you haven't been seeing them very often since they came? A I seen them sometimes every year and comatime twice a year when we have meetings up on the bend,

Q You were at Chelsea and Howata and nearly all the places where the Commission was the past year? A Sometimes a day and a half a day.

Q You were there when Charles Smith made his application? A I don't think I was. I saw him there at Chelsea.

Q Did he call you as a witness? A He called me, but he didn't use me.

Q How did that happen? A I don't know.

Q It happened because you didn't know anything that would benefit him? A Just as much as I know now.

Q You didn't tell him then what you know now and what you are telling here today? A Yes, I did.

Q How did it happen that he didn't use you then? A I don't know.

Q You waited until the last day before you came? A I didn't know this was the last day.

Q You don't mean to say that you didn't know this was the last day fixed by the Commission? A Is this the last day?

Q Do you mean to say you didn't know? A I heard it was the last day, but I don't know it.

Q And you waited until that day to come and testify? A I have been here ever since Wednesday and have been waiting on you fellows.

Q We have been ready to take it any time? A I don't know.

Q Have you been denied since you came here that we would not take your testimony? A I don't know.

Q Have you asked that you might give your testimony that you might go home? A I was waiting until they called it up.

Q You knew when you came here Wednesday that you weren't expected to testify until today? A No sir, I didn't.

Q And you didn't want to testify until today and not until this afternoon? A I was willing to testify the first day I come here so I could have been home.

Q Who did you ask? A I didn't ask nobody.

Q Been around the Commission room continuously ever since you came? A Not ever since I been here, I have been sick half the time down at the hotel.

Q Who was Chief when you were up there in '66 and saw these people camping? A Bill Ross was acting as chief then.

Q You weren't up there hunting horses like L. D. Daniels, were you? A Levis Daniels was elected chief after that.

(REDIRECT)

Q How is the health of the people generally in that country? A My health has not been very good.

Q Do you know whether this paper was handed in Thursday that you be called to testify in this case, or not? A No sir, I don't know.

The applicant offered in evidence a certified copy of marriage record taken from the marriage records of Coowescoowee District, Cherokee Nation, certified to by B. W. Alberty, Assistant Executive Secretary of the Cherokee Nation.

J. S. Davenport: The representative of the Cherokee Nation objects to the introduction of the paper offered in evidence because it does not purport to be a certified copy of any regular marriage record kept, does not purport to be a copy of the license recorded on the certificate of the Minister or other officer solemnizing the same. The representative of the Cherokee Nation further objects to the document offered because that it is immaterial and incompetent and not a record which can be proven by a certified copy, it not being a record entered by official of the nation while in his official capacity, or which purports to be an official act, but is simply a record stating what the recollection of a man who was at some time Clerk, remembers about a certain marriage, and because of the further fact that the Clerk has no power whatever and never did under the Cherokee law, by his unlawful acts, have the right to admit to

citizenship anyone by violating the law and issuing to them a marriage license.

Commissioner: The document will be filed and considered for what it may be worth.

7-Jane C. Smith et al.

This testimony will also be filed in the following freedmen cases:

D-882, Elnora Smith;

D-515, Pearl Smith;

D-511, Emily Nolen et al;

D-517, Mary Blackburn et al;

D-520, James Colbert;

D-804, William Ross;

D-883, Cora Morris;

D-516, Matilda Smith;

D-474, John J. Rose et al;

D-518, Charles Rose;

D-521, Geneva Lynch et al;

as well as in the case at bar, the same being that of Jane Smith for the enrollment of herself and children, D-514.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

E. G. Rothenberger.

Subscribed and sworn to before me this 16th day of June, 1902.

P. G. Reuter,
Notary Public.

SEAL.

I, Roy Palmer, being first duly sworn, state that as stenographer to the Commission to the Five Civilized Tribes I made the foregoing copy, and that the same is a true and complete copy of the original.

Roy Palmer
Subscribed and sworn to before me this 20th day of August, 1902.

B. Jones
Notary Public.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, E. T., May 31, 1902.

In the matter of the application of PERRY ADAMS for enrollment as a Cherokee Freedman.

Applicant appears by Eulietta P. Smith; Cherokee Nation, by W. W. Hastings.

By Mr. Smith:

The applicant moves the Commission to make the certified copy of the decree of the Court of Claims in the case of Moses Whitmire, Trustee for the Freedmen, vs The Cherokee Nation, No. 17209 filed in the Mariah Hayden case F. D. 496, a part of the record in this case and the cases hereinafter mentioned by reference to the said case of the said Mariah Hayden, and if it be deemed necessary that a copy of the said decree be filed in this case and in the following cases, to-wit:

Mariam Smith, D 514;

By W. W. Hastings:

Comes now the Cherokee Nation and objects to the introduction of the decree because, First: It does not tend to show that the applicant was a slave of the Cherokee Nation at the beginning of the war, nor that he returned within the time specified in the treaty of 1866, or that he had been a continuous resident of the Cherokee Nation since that time, or that he is a descendant of such a person. Second: Because the same is incompetent, irrelevant and immaterial, and does not tend to prove an issue in this case. Third: Because the Commission will take judicial knowledge of all laws, treaties and decrees necessary for the determination of the right of any person who makes application for citizenship. Fourth: The Cherokee Nation objects to the filing of a certified copy of this decree in the case of an applicant unless the same is called and filed in each individual case.

Commission:

The motion of the attorney for the applicant will be entertained and the decrees of the Court of Claims filed in the case of Mariah Hayden will be made a part of the record by reference in all the cases above named with the exception of those which come within the provisions of the temporary injunction recently granted by Judge Gill of the United States Court, of the Northern District, Indian Territory.

Mr. Smith:

The applicant further moves that as to the above named cases including the Mariah Hayden case that counsel for the applicants be allowed within thirty days to file any of the proof of any or all of the records other than the decrees already referred to.

in the case of Moses Whitmire, trustee, vs Cherokee Nation, on file in the Court of Claims to the counsel of the Cherokee Nation if it is desired to do so.

W. W. Hastings:

The Cherokee Nation certainly most strenuously objects to the allowance of this permission or to the granting of this request for the reason that most of these applicants have had more than a year in which to file all of their testimony that they desired to file to make out their case before the Commission and that notice was given them all by agreement in March last, that the cases would be closed so far as testimony was concerned by the special permission of the firm of attorneys representing these applicants, on the 31st day of May, 1902, and that this being the 31st day of May, 1902, we say that under the rulings of the Commission, that under the agreement between the attorneys, that the testimony in all these cases is to close and should be closed by the Commission, and that no extension should be granted in any case and no case re-opened unless there is some special and particular reason shown either by the Cherokee Nation on the one side or the applicant on the other why an extension of time is necessary or desired.

The Commission:

The law provides that the roll of Cherokee freedmen shall be made in strict compliance with the decree of the Court of Claims rendered the 3rd day of February, 1896, and as the Commission must take judicial notice of the judgment roll of said Court in the proceedings referred to the motion of attorneys for applicants for additional time to file certified copies of the proceedings of the said Court is denied.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings in the above case and that the foregoing is a true and correct transcript of his stenographic notes thereof.

(Signed) E. G. Rothenberger.

Subscribed and sworn to before me this 14th day of June, 1902.

(SEAL)

(Signed) P. G. Reuter,
Notary Public.

I, E. C. Bagwell, a stenographer to the Commission to the Five Civilized Tribes, on oath state that the above and foregoing is a true and perfect copy of the original testimony in the above entitled cause as filed with the Commission, which copy was made by me.

E. C. Bagwell

Subscribed and sworn to before me this July 29, 1902.

[Signature]
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE NINE CIVILIZED TRIBES.

In the matter of the application of Robert Ross et al.
for enrollment as Cherokee Freedmen, consolidating the applications
of

| | | |
|-----------------------|-----------|---------------------------|
| Robert Ross et al. | - - - - - | -Cherokee Freedmen D 474, |
| Jane Smith et al. | - - - - - | -Cherokee Freedmen D 514, |
| Emily Nolen et al. | - - - - - | -Cherokee Freedmen D 511, |
| Pearl Smith | - - - - - | -Cherokee Freedmen D 515, |
| Matilda Smith | - - - - - | -Cherokee Freedmen D 516, |
| Mary Blackburn et al. | - - - - - | -Cherokee Freedmen D 517, |
| Charles Rose | - - - - - | -Cherokee Freedmen D 518, |
| James Colbert et al. | - - - - - | -Cherokee Freedmen D 520, |
| Geneva Lynch et al. | - - - - - | -Cherokee Freedmen D 521, |
| William Rose | - - - - - | -Cherokee Freedmen D 521, |
| Daisy Rose | - - - - - | -Cherokee Freedmen D 804, |
| Elmira Smith | - - - - - | -Cherokee Freedmen D 132, |
| Cora Morris et al. | - - - - - | -Cherokee Freedmen D 882, |

D E C I S I O N.

The record herein shows that applications for enrollment, as Cherokee Freedmen, were made to this Commission by John J. Ross, for his minor children, Robert and James Ross; said application also included the said John J. Ross, who claims right to enrollment as a Cherokee Freedman by intermarriage, but the status of persons claiming right to enrollment as Cherokee Freedmen by intermarriage not being fixed at this time, the said John J. Ross is not embraced in this decision; by Charles C. Smith, for his wife, Jane, and minor children, Chester, Frank, Bertha, Catherine, Curtis and Melvola Smith; said application also included the said Charles C. Smith, who claims right to enrollment as a Cherokee Freedman by intermarriage, but the status of persons claiming right to enrollment as Cherokee Freedmen by intermarriage not being fixed at this time, the said Charles C. Smith is not embraced in this decision; by Emily Nolen, for herself and minor child, Jessie Rose; by Pearl Smith, for herself; by Matilda Smith, for herself; by Mary Blackburn, for herself and minor child, Jeff Dickson; by Charles Rose, for himself; by James Colbert, for himself and minor children, Myrtle, Mable, Minnie, Walter J., Benisteon and Pearl L. Colbert; said application also included Susie Colbert, wife of the said James Colbert, who claims right to enrollment as a Cherokee Freedman by intermarriage, but the status of persons claiming right to enrollment as Cherokee Freedmen by intermarriage not being fixed at this time the said Susie Colbert is not embraced in this decision; by Geneva Lynch, for herself and minor children, John Looney and Prue Lynch; by William Rose, for himself; by William Rose, for his minor child, Daisy Rose; by Elmira Smith, for herself; and by Cora Morris, for herself and minor children, Clarence, David, Charles and Helen Morris. Copies of the testimony taken in the cases of Edward Wright, Cherokee Freedmen D 518; Aaron Webber, Cherokee Freedmen D 216; Joe Ross, Cherokee Freedmen D 542 and Elizabeth Weigs, Cherokee Freedmen D 391, and Harry Still, Cherokee Freedmen #876, are filed with and made a part of the record herein.

The evidence shows that Jane Smith, Emily Wolen, formerly Ross, and James Colbert are the adult children of Matilda Colbert (formerly Dannenberg), deceased; that they were the slaves of Cherokee citizens at the commencement of the rebellion; and that they went to Kansas during said rebellion. It is shown by evidence introduced in behalf of the applicants that said Jane Smith, Emily Wolen and James Colbert returned to the Cherokee Nation with Mariah Hayden, mother of Harry Still, after the war; and the Commission has decided in the case of Henry C. Hayden et al., Cherokee Freedmen R 192, that the said Mariah Hayden did not return to and take up her residence in said Nation until after 1875 which decision was approved by the Department on November 28, 1902 (I.T.D. 5988, 6242-1902).

Jack Landrum, a witness in behalf of the applicants, testified that the said Matilda Colbert and her daughter Emily, returned to the Cherokee Nation in the fall of 1866 and remained therein for a period of four or five years following that date. If the testimony of Harry Still to the effect that said applicants returned with Mariah Hayden, his mother, be accepted as true it follows that said Jack Landrum is in error when he states that Matilda Colbert and her daughter, Emily, were living in the Cherokee Nation from 1866 to 1870 or 1871. Again, Landrum is positively contradicted by the testimony of Hattie Drake and Jonathan Jones, two witnesses whose testimony is corroborated by other circumstances. Hattie Drake testified that she knew Emily Wolen, James Colbert and Jane Smith in Kansas at the close of the war; and that following that time she attended school with Emily Wolen and Jane Smith "at two different times" (years). Jonathan Jones testified that he removed to Topeka, Kansas, in February, 1866; that a year or two thereafter he became acquainted with Matilda Colbert and her three children, Emma, Jane and James, who were then residing at said place; and that they continued to reside there for a period of five or six years following the time he first got acquainted with them. The marriage license dated February 6, 1869, in which the said Matilda Colbert is described as "Matilda Dannenberg of Topeka" tends to corroborate the testimony of said Jones. Inasmuch as the witness Landrum is shown to be mistaken in his statement that Matilda Colbert and her daughter, Emily, remained in the Cherokee Nation for four or five years following the fall of 1866, is it reasonable to presume that his testimony is any more accurate on the other points in controversy?

As to the testimony of applicants' witness, Harry Still, it is to be observed that, in his own case, it is established by the weight of evidence that he did not return to the Cherokee Nation until after January 19, 1867. So that if he came back to said Nation with any of the applicants it is obvious that they arrived in said Nation too late to acquire any rights to enrollment. Upon consideration of all the evidence, therefore, we are of the opinion that said Jane Smith, Emily Wolen and James Colbert did not return to said Nation until after the time specified, in the decree of the Court of Claims rendered on February 3, 1896, in the case of Moses Whitmire, trustee, etc., vs the Cherokee Nation et al., for the return of Freedmen to said Nation.

It further appears that all the other applicants herein were born since 1866; that they are the descendants of and claim right to enrollment through said Emily Wolen, Jane Smith or James Colbert; and that they have no other right except as such descendants. The names of none of said applicants herein are found on the 1860 authenticated roll of said Nation.

It is, therefore, the opinion of this Commission that the applications for the enrollment of Robert Ross, James Ross, Jane Smith, Chester Smith, Frank Smith, Martha Smith, Catherine Smith, Charles Smith, Melvella Smith, Emily Nelson, Jennie Ross, Pearl Smith, Matilda Smith, Mary Blackburn, Jeff Dickson, Charles Ross, James Colbert, Marie Colbert, Mable Colbert, Minnie Colbert, Walter J. Colbert, Kristeen Colbert, Pearl L. Colbert, Geneva Lynch, John Leoney, Mary Lynch, William Ross, Daisy Ross, Elmer Smith, Cora Morris, Clarence Morris, David Morris, Charles Morris and Helen Morris, an Cherokee Freedmen, should be denied under the provisions of Act (29 Stat., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(Signed) J. M. Rixey, Chairman,
T. B. Needles, Commissioner,
G. R. Frankhouser, Commissioner,
W. H. Stanley, Commissioner.

Muskogee, Indian Territory,

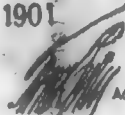
This Mar 11 1904.

6

J. D. & Co

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED
JUN 17 1901



ACTING CHAIRMAN

COMMISSIONERS:

HENRY L. DAWES,
TAMM SIXBY,
THOMAS B. NEEDLES,
C. R. BRICKNORRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Nowata, Indian Territory, June 17th, 1901.

Received of the Commission to the Five Civilized Tribes
one copy of the original testimony of June 5th, 1901, in the
matter of the application of Matilda Smith for the enrollment
of herself as a Freedwoman of the Cherokee Nation.

Willetta Smith

Attorney for Applicant.

Cherokee F. #D516.

D. IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the said Territory at the City of Muskogee, Indian Territory, this 23rd day of September, 1901.

**INDIAN TERRITORY,
CHEROKEE NATION.**

I hereby certify that I served the with-
in notice on.....

by delivering a true copy thereof on the
..... day of A. D. 190...

Given under my hand this.....
day of..... A. D. 190...

Marshal for the Cherokee Nation.

I, the undersigned attorney for the
within named applicant, hereby accept
service of the within notice on this the

..... day of **SEP 23**, 190...
Melville S. Smith
Attorney for applicant.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT. } S. S.

I do solemnly swear that I delivered a
true copy of the within notice to

on the day of A. D. 190...

Subscribed and sworn to before me:
this

**DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.**

**FILED
SEP 24 1901**

[Signature]
ACTING CHIEF

NOTICE!

IN THE MATTER OF the application of W. L. Smith
for enrollment as Cherokee citizens:

Case No. D 516

To W. L. Smith or Mellette & Smith her Attys.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee citizen at the office of the United States Commission to the Five Civilized Tribes in the town of Vinita Indian Territory, on Oct. 23d 1901 at 8 o'clock A. M. or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee citizens.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this Sept. 21st 1901.

J. B. Bell
W. W. Hastings
Attorneys for the Cherokee Nation.

Cherokee Freedmen
D-516.

Muskogee, Indian Territory, March 22, 1904.

Matilda Smith,

Elliott, Indian Territory.

Dear Madam:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 11, 1904, rejecting, among others, your application for enrollment as a Cherokee freedman. There has this day been forwarded to your attorney, Edgar Smith, Vinita, Indian Territory, a copy of the record of proceedings, together with a copy of the Commission's decision.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

J. D. Vestal

Register.

Enc. D-15.

Commissioner in Charge.

COPY

Cherokee Freedmen
D- 474 et al.

Muskogee, Indian Territory, March 22, 1904.

W. W. Hastings,

Attorney for Cherokee Nation,
Tahlequah, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 11, 1904, in the consolidated case of Robert Ross et al., rejecting the applications for the enrollment of Robert and James Ross, Jane, Chester, Frank, Bertha, Catherine, Curtis and Melveta Smith, Emily Nelson, Jessie Ross, Pearl Smith, Matilda Smith, Mary Blackburn, Jeff Dickson, Charles Ross, James, Myrtle, Mable, Minnie, Walter J., Ervinson and Pearl L. Gilbert, Geneva Lynch, John Leoney, Prue Lynch, William and Daisy Ross, Sara, Clarence, David, Charles and Helen Morris as Cherokee freedmen.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Enc. D-24.

Commissioner in Charge.

Cherokee Freedmen
D-474 et al.

Muskogee, Indian Territory, March 22, 1904.

Edgar Smith,

Attorney for Robert Rose et al.,

Vinita, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the record of proceedings had in the consolidated case of Robert Rose et al., together with a copy of the Commission's decision, dated March 11, 1904, rejecting the applications for the enrollment of Robert and James Rose, Jane, Chester, Frank, Bertha, Catherine, Curtis and Melvola Smith, Emily Helen, Jennie Rose, Pearl Smith, Matilda Smith, Mary Blackburn, Jeff Dickson, Charles Rose, James, Myrtle, Hable, Minnie, Walter J., Ernestine and Pearl L. Colbert, Geneva Lynch, John Leary, Prue Lynch, William and Daisy Rose, Kinora Smith, Cora, Clarence, David, Charles and Helen Morris as Cherokee freedmen.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Needles

Register.

Commissioner in Charge.

Cherokee Freedmen
D-474 et al.

Washburne, Indian Territory, March 22, 1904.

The Honorable

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the consolidated case of Robert Rose et al., including the Commission's decision, dated March 11, 1904, rejecting the applications for the enrollment of Robert and James Rose, Jane, Chester, Frank, Bertha, Catherine, Curtis and Melvina Smith, Emily Nelson, Jessie Rose, Pearl Smith, Matilda Smith, Mary Blackburn, Jeff Dickson, Charles Rose, James, Myrtle, Mable, Minnie, Walter J., Ernestine and Pearl L. Colbert, Geneva Lynch, John Leakey, Prue Lynch, William and Daisy Rose, Elmore Smith, Cora, Clarence, David, CHARLES and Helen Morris as Cherokee freedmen.

Respectfully,

J. S. Needles

Through the
Commissioner of Indian Affairs.

Commissioner in Charge.

Enc. D-25.

(COPY)

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,

WASHINGTON, October 12, 1904.

Refer in reply
to the following:

Land.

20182-1904.

71324-1904.

The Honorable,

The Secretary of the Interior.

Sir:

I enclose herewith, a report from the Commission to the Five Civilized Tribes, dated March 22, 1904, transmitting the record of the consolidated applications for enrollment as Cherokee freedmen by John J. Rose for his minor children, Robert and James Rose; by Charles C. Smith for his wife, Jane, and minor children, Chester, Frank, Bertha, Catherine, Curtis and Melvela Smith; by Emily Nolen for herself and her minor child, Jessie Rose; by Pearl Smith for herself; by Matilda Smith for herself; by Mary Blackburn for herself and minor child, Jeff Dickson; by Charles Rose for himself; by James Colbert for himself and minor children, Myrtle, Mable, Minnie, Walter J., Earnestine and Pearl L. Colbert; by Geneva Lynch for herself and her minor children, John Looney and Prue Lynch; by William Rose for himself; by William Rose for his minor child, Daisy Rose; by Elhora Smith for herself, and by Gora Morris for herself and minor children, Clarence, David, Charles and Helen Morris.

March 11, 1904, the Commission decided adversely to all the applicants.

The evidence shows that Jane Smith, Emily Nolen, formerly Rose, and James Colbert are the adult children of Matilda Colbert (formerly Dannenberg), deceased; that they were the slaves of Cherokee citizens at the beginning of the war of the rebellion and that they went to Kansas during said war. It is shown by evidence on behalf of the applicants, that Jane Smith, Emily Nolen and James Colbert returned to the Cherokee Nation with Mariah Hayden after the war; that the Commission has decided that the said Mariah Hayden did not return to and take up her residence in the Cherokee Nation until after 1873, which decision was approved by the Department on November 28, 1902 (I. T. D. 5988, 6242-1902).

It further appears that all the other applicants were born since 1866; that they are the descendants of, and claim right to enrollment through said Emily Nolen, Jane Smith or James Colbert and have no other rights except as such descendants.

The older applicants are identified on the Kern-Clifton and Wallace rolls, but none is identified on the 1880 authenticated Cherokee roll.

A brief (71324-1904), has been filed in the applicant's behalf, and the same has been carefully considered.

In view of the record the approval of the Commission's decision adverse to the applicants is recommended.

Very respectfully,

A. C. Tenner

Acting Commissioner.

M.M.M.
W.

(COPY)

DEPARTMENT OF THE INTERIOR

WASHINGTON, December 15, 1904.

W. C. P.
Y. P.
THE

D. C. 47303-1904.

I. T. D. 19738-1904.

IRB

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

March 22, 1904, you transmitted the record in the consolidated Cherokee freedman case of Robert Rose, et al (F. D. 474 et al), including your decision of March 11, 1904, which was adverse to the applicants.

Reporting in the matter October 18, 1904, the Acting Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

Due consideration has been given to a letter filed by the attorney for the applicants in the case.

The Department concurs in the Acting Commissioner's recommendation, and your decision is hereby affirmed.

Respectfully,

(Signed) Thos Ryan

Acting Secretary.

1 inclosure.

COPY.

Cherokee Freedmen
D-516.

Muskogee, Indian Territory, December 14, 1904.

Matilda Smith,

Elliott, Indian Territory.

Dear Madam:

You are hereby advised that the Commission's decision dated March 11, 1904, rejecting, among others, the application for your enrollment as a Cherokee freedman, was affirmed by the Secretary of the Interior on December 3, 1904.

Respectfully,

(SIGNED). *Tame Bixby.*
Chairman.

COPY.

Cherokee Freedmen
B-474, et al.

Muskogee, Indian Territory, December 14, 1904.

Edgar Smith,

Attorney for Robert Raso, et al.,

Vinita, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated March 11, 1904, rejecting the applications for the enrollment of Robert, James, Jessie, Charles, William and Daisy Raso; Jane, Chester, Frank, Bertha, Catherine, Curtis, Melvina, Pearl, Matilda and Minerva Smith; Emily Helen; Mary Blackburn; Jeff Dickson; James, Myrtle, Mable, Minnie, Walter J., Ernesteen and Pearl L. Colbert; Geneva and Fraz Lynch; John Leoney, and Cora, Clarence, David, Charles and Helen Morris, as Cherokee freedmen, was affirmed by the Secretary of the Interior on December 3, 1904.

Respectfully,

SIGNED - *Tame Bixby.*
Chairman.

COPY.

Cherokee Freedmen
D-474, et al.

Muskogee, Indian Territory, December 14, 1904.

Bell, Hastings & Davenport,

Attorneys for the Cherokee Nation,

Vinita, Indian Territory.

Gentlemen:

You are hereby advised that the Commission's decision dated March 11, 1904, rejecting the applications for the enrollment of Robert, James, Jennie, Charles, William and Daisy Rose; Jack, Chester, Frank, Martha, Catherine, Curtis, Melvina, Pearl, Matilda and Minerva Smith; Emily Helen; Mary Blackburn; Jeff Bickson; James, Myrtle, Mable, Winnie, Walter J., Nineteen and Pearl L. Colbert; Geneva and Fraz Lynch; John Leoney, and Cora, Clarence, David, Charles and Helen Morris, an Cherokee freedmen, was affirmed by the Secretary of the Interior on December 3, 1904.

Respectfully,

(SIGNED) *Tams Bixby.*
Chairman.

(COPY)

DEPARTMENT OF THE INTERIOR
BUREAU OF INDIAN AFFAIRS
WASHINGTON,

Land.
20430-1906.

March 24, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to invite your attention to the enclosed letter of the 19th instant from William C. Dhall, Acting Commissioner to the Five Civilized Tribes, wherein he says that his office is in receipt by Departmental reference of March 10, 1906 (I.T.D. 20430-1906), for report and recommendation thereon, of two letters from James Smith of Lawton, Indian Territory, dated February 24, 1906, one addressed to the President, and the other to the Hon. Thomas Ryan, Assistant Secretary, concerning the status of the citizenship and allotment selections in the Cherokee Nation of Billy Wilson, James Smith and James Gilbert.

In my letter James Smith says that, "People are filing on our lands, selling and leasing to Oil Co., and the Lawton Oil & Gas Co. are now operating an oil well on our lands," and that they have been to the Commission to the Five Civilized Tribes and the Indian Agent for protection. He asks to be advised if the persons named will be allowed to file contract on their land, and if it is "in your power to protect us or to stop this Lawton Oil & Gas Co." and also

says that, "Our cases are yet pending and people are coming in and taking possession and going to work operating oil wells."

Reporting, Mr. Beall says that the records of the Commissioner's office show that applications were made to the Commission to the Five Civilized Tribes for the enrollment of Jane Smith and James Gilbert and Emily Nelson (Nelson) as Cherokee freedmen; that their applications were embraced in the consolidated applications for the enrollment as Cherokee freedmen of Robert Ross, et al., in which the Commission, on March 11, 1904, decided adversely to all the applicants; and that on December 3, 1904, the Commission's decision was duly affirmed by the Department.

He also says that the land which these persons claim is not described and he is therefore unable to report on its status. The records of his Office do not show that Jane Smith and Emily Nelson have ever applied for land as their allotments in the Cherokee Nation. The records of the Commissioner do show, however, that on December 24, 1904, before the Cherokee land office of the Commission was notified of the Departmental action in the case, James Gilbert appeared before that office and made application, with a view to instituting contest proceedings therefor, for the SW/4 of the NE/4 of the SW/4, and the W/2 of the SE/4 of the SW/4 of Section 18, Township 27 North, Range 18 East of the Indian Meridian, which land had theretofore been selected as a part of the allotment for Janet Bonies, and the E/2 of the SW/4 of the SW/4, same Section, Township and Range, which had theretofore been selected as a part of

the allotment for Foggie Sanders, on behalf of his minor child, Myrtle Colbert, Lot 3 of Section 18, Township 27 North, Range 16 East, and the NE/4 of the SE/4 of Section 18, Township 27 North, Range 16 East, which had theretofore been selected as a part of the allotment for Eliza Hatchiff, on behalf of his minor child, Mabel Colbert, the N/2 of the NE/4 of the SW/4, and the NE/4 of the NE/4 of the SW/4 of Section 18, Township 27 North, Range 16 East, theretofore selected as a part of the allotment of Jannet Bowles; the N/2 of the NE/4 of the NE/4 of Section 18, Township 27 North, Range 16 East, theretofore selected as a part of the allotment for Joe Waterdown, and the N/2 of the SW/4 of the NE/4, and the SW/4 of the SW/4 of the NE/4 of Section 18, Township 27 North, Range 16 East, theretofore selected as a part of the allotment for Geneva Wofford, and on behalf of his minor child, Minnie Colbert, the West 18.47 acres and the East 20 acres of Lot 3, Section 18, Township 27 North, Range 16 East, theretofore selected as a part of the allotment for Eliza Hatchiff, and the SW/4 of the NE/4 of the SW/4, and the N/2 of the NE/4 of the SW/4 of Section 18, Township 27 North, Range 16 East, theretofore selected as a part of the allotment for Almarva Waterdown.

Mr. Hall adds that the records of the Commissioner further show that on January 16, 1906, the application made by James Colbert for the land above described was cancelled and the land regularly allotted to the respective parties named, and certificates therefor have been issued; that the records of the Commissioner's office fail to show that any action has been

filed for review or rehearing in these cases, and in the absence of anything to the contrary, it does not appear that Jane Smith, Emily Helen or James Colbert have any claim to land in the Cherokee Nation.

In view of the report of the Acting Commissioner, I recommend that Jane Smith be advised that since she and the other persons in behalf of whom she writes are not recognized citizens of the Cherokee Nation, that they have no rights to Cherokee lands and cannot be protected in their occupancy of such lands.

Very respectfully,

G. F. Larrabee

Acting Commissioner.

KSH-Y.

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

Y.F.

Y.H.

D.C. 18723-1904.
I.T.D. 2002-1906.
1894-1904.

April 4, 1904.

LR3

The Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

The Department is in receipt of the Acting Commissioner's letter of March 19, 1904, relative to two letters from James Smith concerning the status of the citizenship and allotment selections in the Cherokee nation of Billy Holan, James Smith and James Galtart.

On March 20, 1904, you were advised of the filing of a motion to reopen the Cherokee enrollment case of Robert Hogg, et al, with which were consolidated the cases of the parties above mentioned, and you were directed to take proper action to protect the applicants in such rights as they might have.

You will immediately advise all the principal applicants that they are at liberty to file contest, under the rules governing your office in similar cases, to protect their rights to any lands they may claim they would be entitled to in case a decision by the Department is rendered in their favor in the pending citizenship case. Advise V. J. Sullivan, of Muskogee, the party who filed the motion to reopen, heretofore, and advise any adverse claimants, promptly, of the filing of any application to

contest, and also the U. S. Indian Agent, Walrus Agency, in order that he may be fully informed in the case of any matter coming before him involving the land.

A copy of Indian Office letter of March 22, 1906, submitting the Acting Commissioner's report, is inclosed.

Respectfully,

Wm. Ryan.

First Assistant Secretary.

1 inclosure.

Through the Commissioner
of Indian Affairs.

Cherokee
F R 649.

Muskogee, Indian Territory, April 11, 1906.

Matilda Smith,

Elliett, Indian Territory.

Dear Madam:

In letter to this office of March 30, 1906, the Department advises that a motion had been filed to reopen the Cherokee freedman enrollment case of Robert Rose, et al., with which was consolidated your application for the enrollment of yourself as a Cherokee freedman. The Department in a letter of April 4, 1906, referring to said case, instructs this office as follows:

"You will immediately advise all the principal applicants that they are at liberty to file contest, under the rules governing your office in similar cases, to protect their rights to any lands they may claim they would be entitled to in case a decision by the Department is rendered in their favor in the pending citizenship case."

You are, therefore, hereby notified that if any land in the Cherokee Nation on which you have permanent and valuable improvements, and which you have heretofore held as your prospective allotment in the Cherokee Nation in the event you were enrolled as a Cherokee freedman, has been selected in allotment by other citizens of the Cherokee Nation, you will be permitted to appear before the offices of the Commissioner at the

Matilda Smith--2.

earliest practicable date at which time your application to
institute contest proceedings therefor will receive due con-
sideration.

Respectfully,

GHL

Acting Commissioner.

Cherokee
P R 636 et al.

Muskogee, Indian Territory, April 11, 1906.

Chief Clerk,

Cherokee Land Office.

Dear Sir:

There are inclosed herewith two copies of Departmental letter of April 4, 1906 (I.T.D. 2652-1906, 8194-1906), in reply to this office letter of March 19, 1906, relative to two letters from Jane Smith concerning the status of the citizenship and allotment selections in the Cherokee Nation of Emily Helen, James Smith, and James Colbert. The Department refers to its letter to this office of March 30, 1906, advising that a motion has been filed to reopen the Cherokee freedman case of Robert Ross, et al., and instructs this office to advise all of the principal applicants in said case that they are at liberty to file contest under the rules governing this office in similar cases, to protect whatever rights they may have to any land in the Cherokee Nation.

The Department also directs that W. J. Sullivan of Muskogee, Indian Territory, the party who filed said motion, be advised of the Department's instructions, and also to promptly advise any adverse claimants of the filing of any application to institute contest, and the U. S. Indian Agent, Union Agency, in order that he may be fully informed in the case of any sub-

Chief Clerk--A.

ter coming before him involving the land.

The principal applicants in each of the Cherokee Freedmen cases included in the consolidated case of Robert Ross, et al., and W. J. Sullivan of Muskogee, Indian Territory, have this day been advised of the Department's letter and notified if any land in the Cherokee Nation which they have heretofore held as the prospective allotments of themselves and family, should they be enrolled as Cherokee citizens, and on which they have permanent and valuable improvements has been selected in allotment by other citizens of the Cherokee Nation, they will be permitted to appear before the office of the Commissioner at the earliest practicable date and their applications to institute contest proceedings therefor will receive due consideration.

Respectfully,

Incl. 61-21.
GVL

Acting Commissioner.

Cherokee
F R 634 et al.

Muskogee, Indian Territory, April 11, 1906.

W. J. Sullivan,

Attorney for Robert Ross, et al.,

Muskogee, Indian Territory.

Dear Sir:

The Department in its letter to this office of April 4, 1906, referring to its letter of March 30, 1906, in reference to the motion to reopen the Cherokee freedmen enrollment case of Robert Ross, et al., instructs as follows:

"You will immediately advise all the principal applicants that they are at liberty to file contest, under the rules governing your office in similar cases, to protect their rights to any lands they may claim they would be entitled to in case a decision by the Department is rendered in their favor in the pending citizenship case."

You are advised that the principal applicants in each of the cases included in the consolidated case of Robert Ross, et al., has this day been notified that if land in the Cherokee Nation, which he has heretofore claimed as the prospective allotment for himself and the members of his family and on which he has permanent and valuable improvements, has been selected in allotment by other citizens of the Cherokee Nation, he will be permitted to appear before the offices of the Commissioner at the earliest practicable date and his ap-

W. J. Sullivan-H.

plication to institute contest proceedings therefor will then receive due consideration.

For your information there is inclosed herewith a copy of Departmental letter referred to.

Respectfully,

Incl. GL-10.
GHL

Acting Commissioner.

23 5161
DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
JUN 5 1901

[Handwritten signature]

ACT 1117 RMA

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FWD 516

MLA

1911

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

Mrs. Matilda Smith,

Elliott, I. T.

Cherokee -F-D-518.

Register.

TAMS BIXBY,

T. B. NEEDLES,

C. R. BRECKINRIDGE,

Commissioners.

Cher. Fr. R. 650 111

Trans. from Fr. D. 517

Cher. Fr. R. 650

File with Cherokee Freedman L-

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T. May 9, 1901.

In the matter of the application of Aaron Webber for enrollment as a Cherokee Freedman.

Aaron Webber, being duly sworn and examined by Commissioner Needles, testified as follows:

- Q What is your name? A Aaron Webber.
- Q How old are you? A 36 I think.
- Q What is your post office address? A Wymer, Cherokee Nation.
- Q What district do you live in? A Cooweescoowee district.
- Q Do you apply to be enrolled as a Cherokee Freedman? A Yes, sir.
- Q Do you want to enroll anybody besides yourself? A Just myself.
- Q Have you ever applied to be enrolled by any other tribe or Nation besides the Cherokee Nation? A Yes, sir, the Clifton Court and the Wallace Court.
- Q The you apply to any other Nation, the Creeks? A No, sir.
- Q Never drew any money from any other Nation? A No, sir, I didn't.
- Q Have you been recognized by the Cherokee authorities as a Cherokee citizen? A Yes, sir.
- Q Is your name on the roll of 1880? A It is on this roll here Mr. Bledsoe has got here; I came with my brother Sam Webber.
- Q Is your name on the roll of 1880? A No, sir.
- Q Did you ever draw your strip payment money? A Yes, sir.
- Q How much did you draw? A \$15.50, and then I draw this other payment, this last payment, I drew it.
- Q You drew the last payment? A Yes, sir.
- The 1880 authenticated roll of Cherokee Freedmen examined and the applicant not identified thereon.
- The 1896 census roll of Cherokee Freedmen examined and the applicant not identified thereon.
- The Kerns-Clifton roll examined, and the applicant identified thereon, page 126, No. 315, Cooweescoowee district.
- Q Were you a slave before the war? A Yes, sir.
- Q Who did you belong to? A Tatie Webber.
- Q Was she a Cherokee citizen? A Yes, sir.
- Q Where did you go during the war? A Went to Kansas.
- Q When did you come back from Kansas? A Came back in 1866.
- Q You been living here ever since? A Yes, sir.
- Q Are you married? A No, sir.
- Q Ever been married? A No, sir.
- Q Got no children then? A No, sir, I haven't.
- Q You are certain you came back in 1866? A Yes, sir, I did.
- Q Who did you come back with? A Sam Webber and my father.
- Q Why is your name not on the roll of 1880? A Why I can't tell you about that.
- Q Did you ever try to have it put on? A Yes, sir.
- Q They refused to do it? A Yes, sir, must have, for it aint there.
- Mr. W. W. Hastings; attorney for Cherokee Nation: You say you returned with your brother Sam? A Yes, sir, I did.
- Q Did you come the first time he came out here? A Yes, sir, I did.
- Q What time of the year was it? A '66.
- Q What time in the year '66? A Well you see I can't read and I can't write, I didn't keep no count of the days and the months because my owner's didn't give me time to get my education.
- Commissioner: Was it in the fall or summer? A It was along in March when I came back in 1866.
- Mr. Hastings: Was it the March after the treaty was made? A Yes, sir.
- Q You are certain of that? A Yes, sir, I am.
- Q And you came back with him at that time? A Yes, sir.
- Q Did he bring his family along then? A Yes, sir.
- Q His wife and children? A Yes, sir.
- Q He had already been out there and put up a house? A Yes, sir.
- I had come out before that and I come with him, and we put up a house and I came back with him in '66.

Q The first time you came back was in March after the treaty was made? A Yes, sir, that is when we moved there.

Q How long before that was it when you came out? A I can't give the days of the months; how long it was we came out, but we came and put up a house one fall and went back and came right on down.

Q About how long did you stay out here when you had put up the building? A We stayed three or four days and then went right back and moved down.

Q What kind of buildings did you put up? A We put up a log cabin.

Q Out on Big Creek? A Yes, sir.

Q How far from where Sam Now lives? A Sam lives on the north side of Nowata and we live up there on Big Creek, I can't tell you exactly how many miles, but he lives at Nowata and we live up there on Big Creek.

Q What old citizen lives near where you first located, where you first located when you first moved out? A There isn't anybody lives there now.

Q Name some old citizen who lives at the place now where you located then? A Sam Webber.

Q Does Sam Webber live at that place now? A He did live there but he don't live there now.

Q Who lives at the place Sam and you came to? A The Meigs and Whitmires and Sanders, and a whole lot of them.

Q You have lived there ever since? A Yes, sir.

Q You came out in wagons the first time? A Yes, sir, because Sam Webber drove the ox wagon and I drove the horse wagon.

Q Do you know anything about dates? A I know when they say the year is out, and this year is in.

Q What year is this? A If I am not mistaken I think this is May.

Q The year though? A I can't tell you exactly what year it is, because I am not educated like you smart men.

Q You are satisfied in '66 you came here in March? A Yes, sir.

Commissioner: Do you know when the treaty was adopted, know what month it was adopted in, the treaty; you told Mr. Hastings you came here the march after the treaty was adopted; you don't know what month in 1866 the treaty was adopted? A No, sir, I don't.

Q Have you got any witnesses? A Yes, sir, Sam Webber, and Abe Hare.

Sam Webber, being duly sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A Sam Webber.

Q What is your age? A About 58, somewhere nearabout that.

Q What is your post office address? A Nowata.

Q Are you a recognized citizen of the Cherokee Nation? A Yes, sir.

Q Your name on the 1880 roll? A Yes, sir.

Q Do you know Aaron Webber? A Yes, sir.

Q Is he any relation to you? A He is my brother.

Q Was he a slave? A Yes, sir.

Q To whom did he belong? A Takie Webber.

Q Was she a Cherokee citizen? A Yes, sir.

Q By blood? A Yes, sir.

Q Where was he during the war? A He was with us in Kansas.

Q When did he come back? A He came with us when we came back in July.

Q You came in July from Kansas and he came with you? A Yes, sir.

Q What year was that in? A In 1866.

Q He was a slave the same as you? A Yes, sir, same as me, with the same owners.

Q Ought to be entitled to the same rights you have got? A Yes, sir, have just the same right, belonged to the same parties too.

Mr. Hastings: Q What time of the year was it you say you brought him back? A We came in July and built houses and went back and moved down.

Q You had heard of the treaty passed? A We came right in the same month the treaty was made in because we overtook the delegates

at Fort Scott.

Q You had heard of the treaty before you left there? A As soon as we arrived at Fort Scott and talked to them, and they told us they had made a good treaty.

Q And you came on down and he came with you? A Yes, sir.

Q Did you bring your families at that time? A I didn't have any family then.

Q The rest of the people, they come along? A Yes, sir, I was small myself, I was with father, we came and built and went and moved some of them after that.

Q How long did you stay down there at this time? A I didn't stay long, I couldn't tell you just how long we really stayed, we didn't stay only long enough to find claims and cut logs and build shanties.

Q Who lives up there at the place that you located, now? A Reuben Sanders lives right where I built my house, he is living there to-day.

Mr. Bell: Where did you start from when you started from Kansas down to Big Creek? A Started from a little creek six miles south of Mound, said to be about twenty miles north of Fort Scott.

Q Had you started to the Cherokee Nation when you came across these delegates at Fort Scott? A Yes, sir.

Q What was your notion about starting? A I had been down here and looked through the country and went back and told them the war was over here as well as everywhere else, and let's come home.

Q You hadn't started then with a view to saving your rights here under the treaty? A We didn't know nothing about the treaty, it wasn't made when we started as we knowed of, until we got to Fort Scott, and we saw the delegates.

Q What time was that? A Along in the last part of July, the last week in July, as near as I can remember.

Commissioner: When Aaron says he came in March he is mistaken?

A He is mistaken, he don't know dates; he is no bright enough to know dates.

Abraham Hare, being duly sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A Abraham Hare.

Q How old are you? A About 70.

Q What is your post office? A Wymer.

Q Are you a Cherokee Freedman? A Yes, sir, claim to be.

Q Your name is not on the roll of 1880, is it? A No, sir.

Q Were you a slave? A Yes, sir.

Q What was your owner's name? A Arlie Hare.

Q Do you know Aaron Webber? A Yes, sir.

Q Was he a slave? A Yes, sir.

Q To whom did he belong? A Takie Webber.

Q Well, did you know Aaron Webber before the war? A Yes, sir.

Q Did he go out of the Cherokee Nation during the war? A Yes, sir.

Q Did you go out? A Yes, sir.

Q What made you colored people go out during the war? A We couldn't stay here.

Q Thought it was safer to go out? A Yes, sir, I had to go out.

Q Why couldn't you stay here? A They wouldn't let us.

Q Who wouldn't let you? A The Rebels and the Yankees neither one.

Q Where was Aaron Webber during the war? A He was with his father up in Kansas.

Q When did he come back? A He come back in the fall of '66.

Q How do you know? A I come with him.

Q And you came at that time? A Yes, sir.

Q Have you known Aaron Webber since that time? A Yes, sir.

Q Has he always lived in the Cherokee Nation? A Yes, sir, lives right by me now.

Mr. Hastings: Your rights are disputed? A Yes, sir, same as his.

Q You were in here this morning; your case was presented?

A Yes, sir.

Commissioner: Aaron Webber applies for the enrollment of himself as a Cherokee Freedman. His name does not appear upon the authenticated roll of 1880, but does appear upon the Burns-Clifton pay-roll. By reason of the protest of the Cherokee Nation the name of Aaron Webber will be placed upon a doubtful card awaiting further consideration of the Commission.

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C. Jones.

Sworn to and subscribed before me this 10th of May, 1901.

C. E. Breckinridge.

.....
Commissioner.

Department of the Interior
Commission to the Five Civilized Tribes,
Vinita, I. T., October, 29th, 1901.

SUPPLEMENTAL TESTIMONY in the matter of the application of Joe Ross
C. F. D. 350.

Appearances:

W. W. Hastings for the Cherokee Nation.
Mellott & Smith for the applicants:

DOUGLAS WALKER, being first duly sworn by Commissioner C. E. Breckinridge, testified as follows for the Cherokee Nation.
(By the Commission)

- Q Give me your full name? A Douglas Walker.
Q How old are you? A 50.
Q What is your past office? A Mount City, Kansas.

(By Hastings)

Q How long have you lived in Mound City, Kansas? A Since May 1857.

Q What was your father's name? A James Walker.

Q What was your mother's name? A Miami Walker.

Q Was your father and mother here the first of the month? A Yes sir.

Q They testified in this matter at that time did they? A Yes sir.

Q Do you know Samuel Webber? A Yes sir.

Q Did you know his son Samuel Webber? A Yes sir.

Q Where did you know them? A Near Mound City, Kansas, in the neighborhood where I live.

Q Do you know the applicant here, Joe Ross? A I knew him as Joe Webber.

Q Is the the same fellow? (pointing) A Yes sir.

Q Whose was he living at the time? A He lived with the older Sam Webber at the time.

Q You know this applicant here is the same party? A Yes, sir.

Q Did you know a woman named Chlora? A Yes sir.

Q What relation was she to Joe Ross? A Sister.

Q Did you know Aaron Webber a little duck legged fellow? A Yes sir

Q Where did you know him? A In the same family in Mound City, Kansas, Linn County.

Q Whose farm did Samuel Webber live on, if you know? A He lived on a farm that belonged to a man named Jeff Flemmings.

Q I mean in the year 1866? A My father bought the farm.

Q Of whom did he purchase the farm? A Of Flemmings.

Q Do you know where young Sam Webber was married? A He was married there in Linn County, near Mound City, in the neighborhood there, where I was living.

Q Did he marry before or after he moved from that country? A Before he moved.

Q Mr. Walker, have you looked up the date of when your father purchased that farm? A Yes sir.

Q The date of the deed? A Yes sir.

Q What was that date? A The date of the deed is October '66.

(By Mr. Smith) Object to that if you have not the deed.

(By Mr. Hastings) Have you looked up the date? A Yes sir, but have forgotten the exact date as to days.

Q At that time, where was Sam Webber living? A On this farm that father purchased.

Q Where was young Sam living, at the time he married? A On this farm on the same place.

Q What is your best judgment as to the time Sam Webber, including Joe Ross, Chlora Grayson and Aaron Webber left that country with their women folks and come to this country? A According to my best recollection it was the latter part of February or early in March of '67, I can't state exactly the month; early in the spring of '67 though.

Q Did they all move down at the same time? A All started together.

Q left there together? A Yes sir.

(By Mr. Smith)

Q You say you know that this applicant in this case is the same man that you knew at that time in Kansas as Joe Webber? A Yes sir.

Q How did you know it? A I recognized his countenance as one man knows another.

Q How? A Well I saw him.

Q When? A To day.

Q Where? A On the street.

Q And you knew him as Joe Webber? A Yes sir, the name Joe Ross was not used much.

Q When did you first become acquainted with old man Sam Webber? A In '63 he moved on that farm.

Q Which farm? A The farm my father bought in the neighborhood where I lived, the old Flemming farm.

Q When did your father buy that farm? A In the fall of '66, I have forgotten the exact day, in October or September.

Q Who owned the farm at the time old man Sam Webber was on it? A Jeff Flemming owned it until my father bought it.

Q How do you know it was '63 that you became acquainted with Sam Webber? A I remember that it was during the last years of the war and the refugees were coming into Kansas, both white and black, in '63 and they were amongst them.

Q Did any come after '63? A Yes sir some came later and some came earlier, and I remember again by this farm, I remember how long they farmed it before we got it.

Q How long? A Three years - four years in the spring of '67.

Q They farmed it four years before your father got it? A They farmed from '63 to '67.

Q You say the reason you knew that you knew this man in '63 was because you knew how long they worked this farm before your father got it? A Yes sir.

Q You say it was in September of 1867 that your father bought that farm? A In '66.

Q You are positive about that? A Yes sir we got possession the first of March '67.

Q Did old man Sam Webber rent this place from your father? A No sir he rented it from Flemmings.

Q Did Sam Webber, the old man and the boys, come down here or leave that country in the fall of '65? A I think not.

Q Dont you remember that they did and that the old man came back by himself one time? A If my memory serve me, it was in '66, late in the summer, or early in the fall of '66.

Q What was in the fall of '66? A That they came down here - started away from there.

Q Who came then? A Sam Webber, the old man, and young Sam and Aaron.

Q What is your recollection as to how long they staid? A They came back I think in November or late in October.

Q Well which came back first? A Why I think the older Sam Webber came first.

Q How long do you think it was before you saw Sam Webber Jr. again? A Well, it was a short time, a month or so - I can't recollect that, it is a good while ago.

Q Who helped Sam Webber make a crop in '66? A Johnson Webber and the old man Sam made a crop in '66.

Q Who helped him? A Them two and the little boys I think worked too; Aaron did, I dont know but as Joe did too, I dont remember much about that.

Q Where was old man Sam Webber in July 1866? A That summer he raised that crop and worked part of the summer for my father on this farm.

Q Is it not a fact that in July of 1866 that Sam Webber Jr. came here for his father and that they left there for this country to build some houses? A That is not the way I remember it.

Q You have stated that it was a long time ago, do you think that you remember the dated absolutely? A Not to the day or month exactly, but that is my best recollection.

Q Are you testifying to the best of your recollection? A Yes sir.

Q Do you remember of Sam Webber Jr. bringing any hides to that country? A Yes sir.

Q When was that? A In the fall or beginning of the winter of '66 and '67 he brought some hides and furs.

Q To refresh your memory, was it not in March? A March when?

Q '66? A No sir.

Q Upon what trip was that that he brought those hides? A He left and said he was coming down on a hunting trip.

Q Was that the trip when he left Kansas and when old Sam returned first that you spoke of a while ago? A Yes sir, that was the one, the same trip.

Q Do you remember of Sam Webber selling out a crop up here? A I dont.

Q Do you remember of them leaving there to come to the Territory to build some houses? A Yes sir.

Q Was that after the time that he brought the hides there? A It was that trip that he left there for the purpose of building some houses that he brought the hides when he returned.

Q Dont you remember of them leaving there to come to the Territory for the purpose of building houses? A Well that was wither in the spring or winter, in the latter part of February or early in March I have not given the matter any considerable study.

Q How do you fix the dates you have given? A I remember them and then by the dates I have looked up.

Q What dates have you looked up? A The purchasing of this land.

Q Are you testifying from the date of the purchase of that land? A Father bought the place in the spring of '66 on condition and paid \$80 down, or traded cattle, as a forfeit, and in the fall he got some money and got full possession of the place; Webber had possession until the first of March, that is the Kansas law, from the first of March one year until the first of March the next year; they had possession of it until March first 1867.

Q Mr. Walker, when you had occasion to investigate this matter, you had forgotten all about it practically hadn't you? A No sir, but it was something I had not thought much of.

Q You couldn't have told on the moment what year Sam Webber left there could you? A I would have had to look at the dates.

Q Then you are not testifying from your recollection, but from the dates that you have looked up since? A Part of it is from recollection and part of it is from looking up the dates.

Q How long has it been since you thought of the time Sam Webber left that country before you made this investigation? A I was asked the question as to when they moved and I hadn't given the matter any thought till then.

Q You didn't know then did you? A Yes sir after I thought it over.

Q How long did it take you to think it over? A I dont exactly remember.

Q Can't you give us some idea of it? A 2 or 3 weeks.

Q Were you here when your father testified in this case? A Yes sir

Q Did you know as much about it then as you do now? A No sir.

Q How long was that from the time you had first been spoke to about the date? A I had not expected then to give testimony in this case and had not thought much about it.

Q What were you doing here then? A I was subpoenaed in another case.

Q You had been talking about this case then? A Not much.

Q How much? A A word or two.

Q And you were here all the time your father and mother were her and yet didn't testify in this case? A Yes sir.

Q You went back to Kansas? A Yes sir.

Q And came back here again to testify? A Yes sir.

(By Hastings)

Q You were subpoenaed by the Cherokee Nation? A Yes sir.

(Continued by Stenographer J. O. Rosson)

Chas. von Weiss, being sworn states that as stenographer to the Commission to the Five Tribes, he reported in full the above cause and that the foregoing is a true and complete transcript of his stenographic notes therein.

Chas. von Weiss.

Subscribed and sworn to before me this the 9th of November, 1901.

T. B. Needles,

Commissioner.

The undersigned, being first duly sworn, deposes and says that he is a member of the Commission to the Free City of Havana and that he is the possessor of a true and complete copy of the original.

Rogelio A. Linares

Subscribed and sworn to before me this 14th day of August, 1902.

Francisco J. Jones
Notary Public.

Before Commissioner Breckinridge, at Tahlequah, I.T., Supplemental C.F.D.-350, Joe Ross.

(By Stenographer: This following testimony was originally taken down by stenographer J.O. Rossen, and afterwards dictated by him to stenographer M.D. Green.)

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HENRY C. SHORT, being sworn and examined by Commissioner Breckinridge, testified as follows:

Q Give me your full name? A Henry C. Short.

Q How old are you, Mr. Short? A 48.

Q What is your post office? A Mound City.

Q In the Cherokee Nation? A In Kansas.

BY MR. HASTINGS:

Q How long, Mr. Short, have you lived in and about Mound City, Kansas? A Well ever since the spring of 1857.

Q What was your father's name? A John Short.

Q Were you living there in the years '66 and '67? A Yes sir.

Q Were you living in town or in the country? A Living in the country.

Q Do you know Douglass Walker that left the stand? A Yes sir.

Q Did you know a colored man by the name of Sam Webber up there? A Yes sir.

Q Do you know that young Sam Weber, his son? A Yes sir.

Q Do you know Joe Ross? A Yes sir.

Q This is the man there? (Pointing to the applicant.) A I wouldn't have known him unless he had been pointed to me. They always called him Joe; I don't remember about him being called Joe Ross up there.

Q Have you talked to him? A Just spoke to him.

Q Did he recognize you as being the man? A He recognized me as being Short by telling him who I was and where I was from; he claimed that he was one of the boys.

Q Do you know Aaron Webber, a little duck legged fellow? A Yes sir.

Q Where did you live in the spring of '66? A In Idnn County, on Elk Creek, in Kansas.

Q Did you live on the same place in the fall of '66? A Yes sir.

Q Did you live in the same house? A I lived in the same house now that I moved into in the fall of '66.

Q Well now what time in the fall did you move into it? A Well now it was the last of October or the first of November, I wont say which; along about in them times I moved, that is my folks moved; of course I was small, I moved there after that from the west part of the place to the east part of the place.

Q Do you know where Sam Webber was at that time? A They lived then at that time in the fall of '66 they lived on the place known as the Fleming place, adjoing farms of ours.

Q Were they living there when you moved? A That fall?

Q Yes sir? A They were living there then.

Q I will ask you what is your best judgment as to the time they moved with their families and left that country? A Well I could not say just how, for I have got nothing to fix them dates. The best of my judgment they left there in February.

Q February now of what year? A Of '67, I would say that, but now I aint certain, I aint got no opinion about what time they left.

MR. SMITH: Now I move to strike out the testimony to that effect, because the witness says that is his opinion.

Commission: We will take it for what it is worth and let the Commission pass on it.

BY MR. HASTINGS:

Q That is your best judgment? A Yes, sir.

Q That is your best recollection? A (No response.)

Joe Ross (sup'1) 3

Q You said I believe you knew they were there in the spring, A Yes sir, that is all I can state positively, I don't know how long they were there.

Q You know that by your move? A Yes sir, that is the only thing I have got you know.

Q Do you know Joe's sister, Chlora? A Yes sir, there was a girl there called Chlora, I supposed it was Joe's sister.

BY MR. SMITH:

Q Mr. Short, how old were you in '66? A About 13 years old, September 6, 1866.

Q Now when were you first asked as to the time when Sam Webber left that country? A When was I asked first?

Q Yes? A I think it was last Sunday.

Q Well you didn't know did you? A No, I don't know yet what day he left there at all.

Q Did you have that opinion then? A Yes, I have the same opinion I got now; it was the best of my opinion they left in the spring; I got nothing to say they did or did not.

Q Where was Sam Webber, Jr., in February 1866? A I don't know.

Q There was he in October, 1865? A He was on the creek.

Q Did you see him? A Yes, he was there; he hadn't moved; he come down here and went back again in the fall; and the whole family was all there in the fall.

Q That was in the fall of 1865 was it? A Fall of 1866.

Q I am talking about 1865? A Well they was there too.

Q Did you see him? A Yes, of course they was there.

Q Of course, well how do you know, did you see him? A Yes I saw him.

Q Where did you see Sam Webber in the fall of 1866? A Oh I don't know; he worked some for us.

Q Did he work for you in the fall of 1866? A Worked for my grandfather some.

Q That young Sam Webber? A Yes, sir.

Q You say you knew young Sam Webber, the younger of the two? A Yes, sir, I knowed young Sam and old Sam too.

Q Did you know young Sam Webber, called Sam Webber, Jr? A Yes sir, of course it has been a long time from the time I saw him; from the time he left there until I come down here; saw him the first time as soon as I moved there.

Q What did you say about his being a boy? A I suppose he was a young man, I couldn't say as to that.

Q What about Joe Ross, was he a boy? A Yes sir, Joe was younger than me if I am not mistaken. Wasn't much difference in the ages, but I think he was younger than me.

Q Now is it not a fact that Sam Webber and his father old Sam Webber and Aaron Webber came to the Cherokee Nation in the fall of 1865?

A I think not, I don't think they did; they was there in 1866 but they was going and coming all the time; they come down in 1866 and located.

Q They came in 1866 and located? A Yes sir, but they come back and got their family.

Q Now you know only that they were there in 1866? A I know they were there in '66.

Q You don't know what time in '66 they were there? A They were there before '66.

Q Well I am talking about '66; were they there in the spring of '66? A I couldn't say what time of the year; I think they were there all the time.

Q You don't know whether they were there all the time in 1866 or not? A No sir, I couldn't say that they was.

Q Do you remember Sam Webber Jr. and Sam Webber Jr. and Aaron Webber coming down to the Cherokee Nation at any time? A They come down in the summer of '66 I think, directly after crops was made; they come down here and they went back up there together in the fall.

[illegible]

But according to the weather, 1955 and 1956, the
A. & C. Bank was there.

Q Did you know that? A I got no way to that is, that's my

...to find the data.

...to the south side of the road. A. No. 17, just moved from the

...the South in the family of a young man that was

And I do, when the family moved over, I was for years

BETTER THAN EVER!

Did you ever wish them to have the same kind of

Mr. A. Nixon, being sworn and examined by the Court:

POOR ORIGINAL -
BEST AVAILABLE COPY

Q Have me your name, please? A Mary A. Hicks is the way I sign my name.

Q How old are you? A If I live to the end of next month I will be 87 years old.

Q What is your post-office? A Mendon.

Q Is that in Kansas? A Yes sir.

BY MR. HARRISON:

Q How far do you live from World City, Kansas, Mrs. Hicks? A I live six miles.

Q How long have you lived in that neighborhood? A Ever since the spring of 1857.

Q You were living there then after the war? A Living there in the time of the war.

Q Do you know Mr. Walker, Douglass Walker, that has been on the stand? A Yes sir.

Q Do you know Mr. Short that left the stand here? A Yes sir.

Q Mrs. Hicks, did you know of a man up there by the name of Sam Webber? A Yes sir.

Q How far did you live from him just after the war? A Well I think it was about 175 steps; they used water out of my well.

Q Did you know his son, young Sam Webber? A Yes sir.

Q Well did you know a little short one, called Aaron Webber? A Yes sir.

Q Did you know a boy called Joe Ross? A Yes sir.

Q Have you seen any of these parties since you have been here this time? A Why I met Joe Ross down there; he said he knew me and come up and shook hands with me and I saw Sam Webber.

Q I will ask you to look if this is the same parties now? A Well I tell you Ross don't favor himself so much, but Joe he is just like his father and I knowed him because he is just like his father; well old uncle Sam was older than Sam is of course.

Q I will ask you if you had any deaths in your own family in the fall of '66? A Yes sir.

Q What was the date of it? A The date of the death?

Q Yes, madam? A Well it was October.

Q Did you make any record of it in your Bible? A Yes sir.

Q Is this your Bible? A I reckon it is; if you will let me look I will tell you.

Q Look at it and see if this is your Bible? A I think it is, but I can't read it, I haven't got my specs.

Q You haven't got your specs? A No sir.

Q Well of the family record here of births and deaths appear this: "Franklin Hicks, was born November 7, 1864." A Yes sir.

Q And under the column of deaths appears: "Died October 23, 1866"?

A That is correct.

Q Who was Franklin Hicks? A He was my son.

Q Do you know where Sam Webber was when your son Franklin died?

A No sir, I could not tell you.

Q Don't know? A No I don't; you mean this Sam?

Q That man? A Oh, the old gentleman; he lived up there by me I think; I am most positively he lived there, then.

Q Do you know where his wife was? A His wife died there.

Q Well do you know whether she was dead at the date of your son's death? A Yes sir, she died I think before he died; there was an old lady, they called her old aunt Rhoda, living.

Q She was living? A Yes sir.

Q Was she a member of this family? A Yes sir, she lived there with them.

Q Well do you know whether she was there during the sickness of your child? A Yes sir, she sat up with me several times, and if it was a bad night and she say no one come in she would come and sit up with me.

Q Did you have a sister of Joe's called Chloa? A Yes sir.

Q Now I would like to have your best judgment Mrs. Hicks as to the time old Sam Webber moved with his family and children from that country? A

MR. SMITH: The applicant objects to the witness giving her opinion as to the time when this sickness took place, because it is not the subject of their expert or opinion evidence.
COMMISSIONER: I understand the question to be her best recollection.

A It has been a long time you know.

Q Well, answer the question? A About him being there?

Q I want to know, the question is, what is your best recollection as to the time Sam Webber and his family, when he left Kansas with his family? A

OBJECTION to by applicant?

A Well my best recollection was that, I would not be positive of course, but I think it was in February or March, one or the other. The best of my recollection, because the old lady, old aunt Rhoda and uncle Cy, that was her husband, they both was old and feeble and I think old uncle Sam stayed there on that account more than anything as long as he did.

Q Well now that would be February of what year? A It would be '67 wouldn't it?

Q You lived then about 175 yards of them? A Yes, sir, I could hear them sing over there and hear them laugh and talk to my house.

Q On whose place were they living? A Well they was living on Mr. Walker's place then.

Q Had he recently purchased it? A Yes sir.

Q Do you remember who he purchased it off? A I think it was a man by the name of Fleming; I think it was Flemings owned it.

BY MR. SMITH:

Q About how long, Mrs. Hicks, had Mr. Walker owned this place at the time these people lived there? A Well I couldn't answer that question

Q Well you could tell whether it had been a few months or whether it had been a year or two? A It was, I suppose it may be quite a while, I couldn't tell you.

Q You remember that Mr. Walker owned a place there? A Of course I know he had charge of the land; I think Mr. Walker bought it from Mr. Fleming if I aint mistaken.

Q And you know these Webbers were living on the Walker place?

A Yes sir.

Q Well now what is your best recollection as to how long Mr. Walker had owned that place? A I don't know; I won't pretend to say anything I don't know; I don't want to meddle with, I didn't come down here to criticize or anything about it; I want to tell the truth as far as I can.

Q Where was young Sam Webber in December, 1866, and up until January or February of 1867? A I could not tell you where he was, I think Sam worked out some around; I couldn't tell you whether he was at home all the time or not; I could not tell you.

Q Where was young Sam Webber at the time your child died? A I couldn't tell you that; This one?

Q Yes? A I don't know.

Q He was not there was he? A I don't know, I couldn't say as to that.

Q Do you remember old man Sam Webber and young Sam Webber and Andy Webber and others leaving; Aaron Webber and others leaving that community in 1866 and coming down to the Cherokee Nation? A I recollect only Sam coming down here, I don't know, I won't be positive, I guess though it was in '66.

Q Well about how long was it ago, your best recollection, before this date in the fall that you have spoken of? A I don't know.

Q Don't know? A No I don't; but I recollect about it, he brought me back spice wood and saffron root.

Q Do you remember young Sam bringing some hides to the community?

A No sir, I didn't charge my mind with anything like that.

Q Will now give me some idea, Mrs. Jones, about the time old Sam Webber started off on that trip? A I don't know, I don't know what you testified about? A Yes I know I know, he came up the road I rode on.

Q You don't know whether it was fall, summer or spring? A No sir, I don't.

Q Well how is it you have no better recollection of this very time that you mention is more than you have of the other times? A I know he was there when that child of mine died.

Q And you don't know how long he was there? A No, they went along the latter part of the winter, but I don't know what time; I think though it was in February or March.

Q You couldn't be positive whether it was February or after Christmas, could you? A I don't think it was before Christmas.

Q You don't think that was? A No I don't, for several facts.

Q You can't state positively whether it was before or after Christmas, you can't answer it? A I wouldn't want to swear it either way.

Q Where did you move from this place that you lived? A Where did I move from.

Q How long have you been living at this place now where you lived when your child died? A I have been living on the place ever since the spring of '87.

Q About how long did you remain on the place? A I stay there yet, when I am at home; my husband is dead.

Q Do you know how many trips Sam Webber made to the Cherokee Nation before this time that he came away from there the last time? A No sir, I don't.

Q You know of his coming one time? I know him and his father and I think Aaron, and I don't know whether Joe was along or not.

Q Well is this Joe? A Well of course, oh that one, Joe Webber, that one sitting there?

Q Yes? A I think it is.

Q Which one of them don't look familiar? A That one, he was nothing but a boy when I knew him.

Q Which one, the one right here, the black one? A Yes sir.

Q What is his name? A Joe we always called him.

Q And what is this man right here? A Sam, that is the way we always called him.

Q You think that is the man you knew up there in Kansas? A This Joe? A I don't know, he says it is; he was nothing but a boy when I saw him.

Q You don't recognize him then? A Hardly, I wouldn't know; he says he is the man; I used to think he was a very good boy when they lived there, but then he has grown out of my knowledge.

Q You don't know where old man Sam Webber was in July 1886 do you? A No sir.

Q You remember anything about young Sam Webber coming for the old man and the family in July 1886? A Well he might have come after them but they didn't come down here in July.

Q You don't know when they did come? A Why I think they came sometime in the latter part of the winter, but I say I would not be certain what month it was, in February or March.

Q You want be certain it was either of them? A I say they left, I was there and saw them start.

Q You would be certain it was either February or March? A I think they did.

Q You think so? A Yes sir.

BY MR. HARTMAN:

Q I was going to ask you if you knew about young Sam Webber marrying? A They said he married; I didn't see it done.

Q Did you hear of his marrying up there? A Yes sir.

Q Was that before or after he left? A It was before they left.

JAMES SPEARS, being sworn and examined by Commissioner
Franklinridge, testified as follows:

- Q Give me your full name? A James Spears.
Q How old are you? A I am 48 years old.
Q What is your post office? A Mount City.
Q In the State of Kansas? A Yes sir, Mount City, Kansas.
BY MR. HASTINGS:
Q Mrs. Spears, was Mrs. Hicks was left the stand your mother?
A Yes sir.
Q How long have you lived in and about Mount City, Kansas, I mean in
the neighborhood? A Well I came there when I was about a year old.
Q And you have lived there ever since? A Yes sir, well since I
have been married I have just moved one mile north.
Q You moved a mile north of your mother? A Yes sir.
Q Do you know Douglass Walker? A Yes sir.
Q Do you know Henry C. Short? A Yes sir.
Q Do you remember at an early date just before the war some colored
people that lived up there; one of them by the name of Sam Webber?
A Yes sir.
Q Do you remember his son Sam? A Yes sir, I knew him.
Q Were you living with your mother at that time? A Yes sir.
Q Did you know Joe, that was living with them, Joe Ross? A Yes sir.
Q Have you seen any of these parties since you have been here this
time? A I met them to-day.
Q Talked with them some? A Well I just spoke to Joe; Sam I did not
know that he did; I suppose he heard we were here.
Q I will ask you if this is your mother's family Bible? A Yes sir.
Q That is the family record of the births and deaths? A Yes sir.
Q I will ask you if you had a brother by the name of Franklin Hicks?
A Yes sir.
Q Do you remember the date of his death? A Yes sir, October 25,
1866.
Q I will ask you if you know where the Webber family was living at
the time he died? A Yes sir, they were living there.
Q About how far from your mother's? A About 175 steps I suppose,
in a cabin.
Q Short distance? A Yes sir.
Q Did you know Aaron Webber, a little short legged duck legged
fellow? A Yes sir.
Q I would like to know from you Mrs. Spears your best recollection
as to the time old man Sam Webber left that country permanently
with his family? A

BY MR. SMITH: The counsel for the applicant objects to that
question, because it is incompetent and calls for the opinion
of the witness.

COMMISSIONER: The Counsel for the applicant has put a number of
questions in the same form and asked as to their best recol-
lection that exists; it is entirely competent to give the best
recollection and belief in regard to the facts.

Q My best recollection is that it was in the spring of '69, either
February or March.

Q Did you know whether or not young Sam Webber married up there?
A Yes sir.

Q Did you know whether that was before or after they left there?
A That was before they left there.

BY MR. SMITH:

Q Mrs. Spears, did you know of Sam Webber, Sr., leaving that coun-
try and coming to the Cherokee Nation, or leaving that country for
the Cherokee Nation before the time you mentioned? A He came in the
fall I think, or summer sometime and got a claim I think.

Q Fall of what year? A '66 and then come back.
Q Now do you remember young Sam Webber's coming back with reference to the time Sam Webber Jr. came, was come first when they returned from this trip looking for plains you speak of? A They came together.
Q Are you sure of that? A Yes sir.
Q Where was Aaron Webber, did he come with them? A I don't remember very much about him.
Q You don't remember whether he did or not? A No, I won't be positive whether he came with them or not, when they came after their captivities.
Q Do you know whether the older Sam Webber made the first trip to the Cherokee Nation after the war? A Well it was in the fall of '66 I guess, about that time, either summer or fall.
Q Either summer or fall? A Yes sir, sometime along in the summer or fall.
Q Might not it have been the late spring? A No, it was not, because he made his crop there and then came afterwards.
Q Made a crop in '66? A '66.
Q What did he do with that crop? A I suppose he put it up here, disposed of it.
Q Do you know whether he sold it or not? A No, I don't know whether he sold it or not, I think they fed it to their stock before they left.
Q Where was Sam Webber Jr. in December 1865? A I don't know where he was at.
Q Where was he in January and February of '66? A January or February of '66, I can't say.
Q Where was he in July of '66? A I don't know where.
Q Do you have any recollection of Sam Webber Jr. coming there after his father in July 1866? A No sir.
Q Do you have any recollection of Sam Webber coming there at any time with any hides, deer hides or any kind of hides? A No sir.
Q Where was the old man Webber living in the year of 1865? A He was there living close to my mother's farm I speak of.
Q Is 175 steps of you? A Yes sir.
Q And you don't remember of his coming there at any time off of a trip except the time he came back with his father? A He went to Fort Scott, I guess, I never tried to keep any trace of his whereabouts.
Q Now what makes you think it was in February or March '67 that these people left there? A Well I have all reasons to believe that circumstances about it; well the old darkey had a cane patch and the darkey boys trapped on the land that winter.
Q Who did? A These darkey boys, the Webber boys.
Q Did what? A Trapped for game that winter on the patch of cane where we had left the seed on the corn.
Q That the winter that commenced December and ends February, December '66 and February '67? A It was all in that winter of course.
Q Well the winter is pretty well over by the last day of January isn't it? A Not always it isn't.
Q Well the bigger part of it; two months is gone isn't it? A No sir, not in our country.
Q How many months do you have in the winter there? A Some winters we have pretty hard and some winters we don't have much.
Q So that as a matter of fact the fact that they trapped there one year place during the winter would not of itself lead you to believe that they didn't leave there until February or March? A Well it was along toward spring they left; that is the best of my knowledge.
Q Now in what way do you fix the date, you speak of your people there, is that the way you fix the date, by that? A Yes sir, I fix it by memory, of course that is the way by the people, of this child's death; they were then; that is, the family were, I don't re-

member so much about the men; there was an old lady that moved down here with the men that sat up with my brother in his sickness.

Q Do you remember Sam Webber bringing you any sassafras and spice switch up there? A Yes sir.

Q When was that? A That was the first time they came down.

Q When was it? A That was in '66.

Q What month? A I don't know.

Q Can you state within two months of the time? A No I don't know as I could.

Q Can you remember that as well as you could the other time? A (No response).

Q You know that they were gone from there before the spring of '67, and it must have been in '66 they brought the sassafras? A Yes sir.

Q What was it, sassafras roots? A Yes sir.

Q That must have been in the spring? A I don't know.

Q Well they don't make sassafras in the fall? A We used it for tea

Q It was not in the spring at all Sam Webber brought the sassafras? A No sir, it was not; he didn't bring it at all; the old gentleman brought it.

Q Well now as a matter of fact do you remember any one of these people being there at the time your brother was sick and died except the old woman Rhoda? A Well this family was there on the place; I don't remember them being there.

Q Well if they were you tell me who you saw except Rhoda the old woman? A Well I don't know as I remember. There was Johnson's wife, of course I don't just remember who was there, I was just a child then; there was a great many of the neighbors in, but I remember the old lady, sitting up with my brother at the time he was sick.

Q Now isn't it a fact that the old lady Rhoda is the only one you remember being there at the time? A No sir.

Q Now who else was there? A Chlora was there.

Q Well now name some other one, all you know that was there? A I don't know, I don't remember them, there was hardly any day but what they was there, some of them.

Q Well now what I want to know, who was there except this woman, Thoda? A I don't know anything about that.

Q You don't know? A No sir.

Q How many trips did the Webbers make down here to this country, do you know? A They came once and got claims and came back and went again.

Q All you know of? A Yes sir.

Q If they made others you don't know it? A No sir, I don't know anything about any more trips they made.

Q Now when was this entry in this Bible, the date of your brother's death, made, was that made at the time? A Just when he died?

Q Yes? A I don't know as it was, I suppose about the time.

Q Well about when, do you know who wrote that? A I know who wrote that?

Q That is what I am talking about? A This was drawn off from another Bible.

Q You don't think that this entry, "Lizzie Bell Lewis, born September 1st, 1868" is in the same handwriting that this is do you? A No sir.

Q You don't know that this is in the same handwriting? A No sir, it is not.

Q Now who wrote that date, October 23, 1866? A Park Nichols.

Q Well now can you tell me how nearly at the time of your brother's death that entry was made? A No sir, I could not.

BY MR. HASTINGS:

Q How long has this Bible been in your mother's possession? A I can't tell.

Q Has this entry been in here a long time to your knowledge? A Yes sir, it has been several years.

Q It was in there long before any investigation came up wasn't it?

A Yes sir.

BY MR. SMITH:

Q Didn't Sam Webber and his father come down here in '65? A If they did I never missed them from home.

Q If they came here you didn't miss them? A No sir.

MARY A HICKS, re-called for additional cross examination.

BY MR. SMITH:

Q Mrs. Hicks, what was the entry upon this Bible you have with regard to the date of the death of your child made with reference to his death? A Well I don't just remember when it was; it was not long.

Q Was it put there at or about the time he died? A Why it was not long after he died.

Q Well give us your best judgment as to how long? A Well he died that fall and I don't know just how long it was.

Q Well was it as much as a month? A I won't say sir.

Q You can give some idea? A Well I tell you now, I won't say anything when I don't know anything.

Q I thought probably you might know better than I do, as I know nothing about it? A If I know when I set it down I would recollect it; I have had a good deal of trouble about it.

Q I don't want to cause you any trouble about it, but I would like to know, it is some importance in this case? A There was a young man working for us that set it down.

Q What was his name? A His name was Nichols.

Q Do you remember how long after your child died before Nichols went to work for you? A No sir.

Q Well when it was set down what was it set down from, your recollection? A Why I had a husband then and all of us recollected it, who wouldn't recollect it?

Q I am asking you how long it was before this entry was made, if you can tell me? A I don't know when.

Q Do you think it was as much as two years? A No sir.

Q It was not? A No sir, if I should guess at anything about it I should think it was along in the summer sometime, I should think now; afterwards this young man was breaking prairie and of course he broke it in the winter.

Q Was this the first place it was made where it was made here in this Bible? A Yes sir.

MR. SMITH: If the Court please, I want to show by the title page of the Bible that it was not published until in 1869.

COMMISSION: The title page has been examined and it shows that the edition of the Bible in evidence was published in Philadelphia in the year 1869.

BY MR. HASTINGS:

Q Do you remember, independent of the Bible, of the dates of your son's death? A Yes sir.

Q You didn't attempt to give distinctly when that entry was made in your Bible? A No sir.

Q You so stated? A Yes sir.

BY MR. SMITH: I object to that; it is leading.

BY MR. HASTINGS:

The Representatives of the Cherokee Nation ask that the testimony of Sam Webber, recalled, in the case of Jefferson Ross and others, Freedman D-872, be made a part of the record in this case.

COMMISSION: It is ordered that the testimony just taken be filed as supplemental testimony in Cherokee Freedmen Doubtful case 496, the same being the case of Chlora Grayson, and it will likewise be filed in Cherokee Freedmen Doubtful case 216, the case of Aaron Webber, and in Cherokee Freedmen doubtful case 380, the same being the case of Joe Ross.

It is further ordered that a set of all the testimony

given by Sam Webster in Cherokee Freedman Doubtful case 872,
the same being the case of Jefferson Ross, be filed in case
Cherokee Freedman D-880, of Joe Ross, and in Cherokee Freed-
man D-426, of Flora Granger, and in Cherokee Freedman D-215,
of Aaron Webster.

M. D. Green, being first duly sworn, states that as stenographer to
the Commission to the Five Civilized Tribes he correctly recorded
the proceedings and testimony in this case, as dictated to him from
the stenographic notes of JOHN O. Ross, by said Ross, and that
the foregoing is a true and complete transcript of his stenographi-
c notes thereof.

M. D. Green,

Subscribed and sworn to before me this November 16th, 1901.

J. O. Hart,

Notary Public.

SEAL.

File with Cherokee Freedman D-

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T., May 23d 1901.

In the matter of the application of Elizabeth Heigs for enrollment as a Cherokee Freedman; she being sworn by Commissioner C. R. Breckinridge, testified as follows:

- Q What is your name? A Elizabeth Heigs.
Q How old are you? A I don't know my age.
Q About how old are you? A I was four years old when we came here with the old settlers.
Q Was that when the Cherokees first moved to this country from the old nation? Yes sir.
Q That would make you about 71 years old now wouldn't it? A Yes sir I guess so.
Q What is your post office? A Centralia.
Q In what district do you live? A Coowascoowee.
Q Do you want to be enrolled as a Cherokee Freedman? A Yes sir, I do.
Q Who do you want to have enrolled besides yourself? A My children.
Q Have you any children under twenty-one years old? A No sir.
Q They will have to apply for themselves then. A (No response).
Q Have you a husband? A No sir he is dead.
Q Then you only apply for yourself? A Yes sir.
Q Have you lived here ever since you came with the Cherokees in 1837? A Yes sir.
Q How long have you been called Heigs? A Ever since I was nothing but a girl.
Q Were you married to a man named Heigs? A Peter Heigs.
Q Is he dead? A Yes sir, five years ago in September.
Q Was he a Cherokee Freedman? A Yes sir.
Q Were you a slave in the Cherokee Nation before the war? A Yes sir.
Q To whom did you belong? A Reuben Daniel.

The 1880 authenticated roll of the Cherokee Nation examined and the applicant's name not found thereon.

- Q Are any of your family on that roll that you know of? A Yes sir, Alice Sanders is on it, she is a daughter of mine, Alice is.

The 1880 authenticated roll of the Cherokee Nation examined and the name of the applicant's daughter identified thereon as follows:

Page 175, No. 2658, Alice Sanders, Coowascoowee district.

The 1896 census roll of the Cherokee Nation examined and the name of the applicant not found thereon.

- Q Did you draw your Cherokee strip money? A Yes sir.

The Kerns-Clifton roll of the Cherokee Nation examined and the name of the applicant found thereon as follows:

Page 100 No. 2612, Eliza Heigs, Coowascoowee district.

- Q Did you ever go by the name of Daniel? A Yes sir then was my owners.

The Wallace roll of the Cherokee Nation examined and the name of the applicant found thereon as follows:
Page 180, No. 40, Elizabeth Daniel.

NOTE: Wife of Peter Meigs.

Wallace roll of the Cherokee Nation examined and the name of the applicant found thereon again as follows:
Page 151, No. 2748, Elizabeth Meigs, Doanvscowee District.

Q Where were you during the Civil war, did they take you out of the Cherokee Nation? A I was at Fort Scott during the war.
Q When did you come back? A In the winter of '66.
Q What time in the winter? A Well it was in the winter.
Q Was it before Christmas or after Christmas? A My husband was down here in the Christmas.
Q When did he bring you down? A In the winter after he went from here on Big Creek.
Q He came ahead of you then? A Yes sir.
Q What time did he leave Kansas? A I cannot tell you when he first came.
Q Did he leave Kansas before Christmas? A Yes sir he came here in the winter of '66.
Q Did he leave Kansas in the winter? A Yes sir.
Q Was he down here when Christmas came? A Yes sir.
Q Do you know how long it was before Christmas before he started to come here first? A No sir I don't.
Q How long was it after Christmas before he got back to you in Kansas? A Directly after Christmas.
Q How long after Christmas before you and he started down here together? A Directly after.
Q He spent Christmas that year in the Cherokee Nation by himself?
A Yes sir my husband did.
Q What members of your family came down with you and your husband?
A These children.
Q Did you bring your child Alice Sanders with you? A Yes sir.
Q All the children? A Yes sir.
Q Can you explain why you are not on the roll of 1880? A No sir.
Q Do you know why you are not on that roll? A No sir I don't know nothing about the roll.

By W. J. Hastings, Cherokee Representative:

Q Auntie, what provisions did your husband make after he had been to the Cherokee Nation, to come down here with his family? Did he sell off what you had in Kansas? A Yes sir what little we had, we never had much to sell.
Q Where were you living in Kansas then? A Fort Scott.
Q About how long did it take him to get ready to come to the Cherokee Nation after he went back up there? A No time after he got back till we all come here.
Q Was it as much as a couple or three weeks? A Yes sir I guess so.
Q And then you started down here? A Yes sir.
Q Was it in the spring of the year when you reached here? A No sir in the winter.
Q The leaves were not budding and taken on the trees when you and your husband and children got here? A No sir there weren't no buds nor nothing on the trees, it was winter I tell you.
Q You all came in wagons did you? A Yes sir.
Q Who came with your husband down here when he first came? A Old man Mike Sanders.
Q Who else? A Heuber Sanders.
Q Who else? A Daniel Sanders.

- Q Any one else that you remember? A There was little Sam Webber and old man Sam Webber.
- Q Any other Webbers? A Aaron Webber.
- Q Did any one else come down? A I dont remember any one else now.
- Q Were you there when they started down? A We all come together I am a telling you.
- Q But I mean when your husband come on in advance of you. Who came with him then? Did these parties that you have named come with your husband when he first come down? A Yes sir.
- Q You were at Fort Scott then? A Yes sir.
- Q And they all started together? A Yes sir.
- Q These that you have named are all the you can think of at the present time? A Yes sir.
- Q Did they come in wagons or on horse-back that time? A They come in wagons when they first come.
- Q And after Christmas you all came down did you? A Yes sir.
- Q Did you come in wagons then? A Yes sir.
- Q Did you come by a little place called Chetopa? A Yes sir.
- Q Where did you come to in the Cherokee Nation? A I come right where I am living yet when I come to the Cherokee Nation.
- Q And you are living there yet? A Yes sir, that old house was built in '66.
- Q What house? A That one we is living in.
- Q And you are living at the same old place? A Yes sir, in the same old house.
- Q On what creek is that? A Big Creek.
- Q Was any one living on Big Creek when you came there besides your own crowd? A No sir, down on Verdigris there was some living.
- Q You were the advance family or crowd that came to Big Creek were you? A Yes sir, we was the advance guard.
- Q Did you see any one from Chetopa along the road through the Nation to Big Creek when you came there? A No sir.
- Q Did these people who first came down with you husband return with him and then come down again when your family all came after Christmas? A Yes sir.
- Q You all came back together? A Yes sir.
- Q Now Auntie, did any additional people--any other families come down with you? A I dont know who all come down, I am just a telling you what I know.
- Q There was Daniel Sanders, and Reuben Sanders and there was Mike Sanders, and Sam Webber, old and little Sam, they all come with you? A Yes sir.
- Q Did Aaron Webber come? A Yes sir.
- Q And your family? A Yes sir.
- Q Are there any that I missed? A That is all that I gave you.
- Q Is that all that come? A Aaron Wright come with us.
- Q Who else? A (No response).
- Q Were there any others at all? A I am a telling you all that I can think of now, it has been a long time for an old woman like me to remember all that come.
- Q You come to the place that you are living at now did you? A Yes, sir and has lived there ever since.
- Q Have you any Cherokee neighbors there now that were old residents? A No sir, there was some lived on Verdigris when we come there.
- Q Who? A Linnie Riley was there on Verdigris, but not where we was living.
- Q How far from where you settled? A I dont know how far.
- Q Was it as much as 4 or 5 miles? A As much as ten miles if you guess at it right.
- Q Were they the oldest residents to you at that time? A Yes sir.
- Q Were there any Delaware Indians there when you come there? A No sir I never saw none.

Q Any wages? A No sir, never saw none.
 Q You didn't see any body on Big Creek, neither white or black, except those that came with you? A That is all.
 Q And you have been there ever since? A Yes sir, ever since we moved there.
 Q You say your husband Peter Meigs built a house there? A There a log house there and he bought the house and we moved to it.
 Q Who built the house if you know? A Henry Harold.
 Q Was he a colored man? A Yes sir.
 Q Is he living? A I don't know if he is or not.
 Q Some 3 or 4 years after you came down here your husband went to Tahlequah before the court, didn't he, to see about his citizenship? A Yes sir.
 Q They didn't admit him then did they? A I don't know sir.
 Q You know he was disputed? A I don't know nothing about it, I never paid any attention to any such things as that then.

By the Commission:

Q Were you ever admitted by the Cherokee or United States court for Commission? A I don't understand what you say.
 Q Did you ever have your right to be enrolled as a Cherokee citizen before any kind of a court? A Yes sir my man enrolled us before he died.
 Q I mean in court? A That is what I am a telling you.
 Q You know what a court is don't you? A Yes sir.
 Q What court do you know? A Kerns Clifton court.
 Q Any other court that you know of? A I know of the Wallace court.
 Q Any other? A No sir.
 Q Did he ever have anything done about his case by the Cherokee Council? A I don't know what was done, my man went there every year or two but I don't know what was done there.
 Q How long did it take you and these people to come from Kansas to the Cherokee Nation? A I don't know how long we were on the road.
 Q Have you any witnesses with you that you want to introduce? A Yes sir.

RUBEN SANDERS, called and sworn by Commissioner C. R. Breckinridge, testified as follows on the part of the applicant.
 (Examined by the Commission).

Q What is your name? A Ruben Sanders.
 Q How old are you? A I suppose I am about 50.
 Q What is your post office? A Centralia.
 Q How long have you lived in the Cherokee Nation? A All my life.
 Q Were you a slave in the Cherokee Nation when the Civil war broke out? A Yes sir.
 Q Who did you belong to? A James Sanders.
 Q Were you taken to Kansas during the war? A Yes sir.
 Q You have a wife named Alice have you? A Yes sir.
 Q How long have you and she been married? A About 30 years perhaps more.

The 1880 authenticated roll of the Cherokee Nation examined and the name of the applicant's son-in-law identified thereon as follows:

Page 175, No. 2657, Reuben Sanders, Coowasecoowa district.

Q Did you ever have to carry the question of your citizenship before any court? A Yes sir.
 Q What court? A The Chambers court.
 Q Is that the only one? A Yes sir that is the only one; I was admitted by the Chambers Court.

Q Where was it sitting? A At Tahlequah.
 Q In what year was that? A I cannot tell what year it was.
 Q Your citizenship had been disputed had it? A Yes sir.
 Q When was your right to citizenship first disputed? A It was during the time that Thompson Occulifta was chief.
 Q Was that before the 1880 roll was made? A Yes sir.
 Q Did the court decide in your favor? A Yes sir.
 Q Was there any dispute made then about your being put on the 1880 roll? A No sir.
 Q Were you required to show a copy of the decision of the court in your favor when you went to enroll in 1880? A No sir.
 Q Did they ask you any questions when you went to be enrolled in 1880? A No sir.
 Q Where did they take your name? A I was in Coconawack Bend, at the time.
 Q Do you know the applicant Elizabeth Meigs? A Yes sir.
 Q Your wife is her daughter? A Yes sir.

By W. W. Hastings:

Q Peter Meigs' citizenship was disputed the same time yours was? A Yes sir.
 Q Did he go before the court at the same time? A No sir, I think not.
 Q His wife's citizenship was also disputed? A I judge so.
 Q Did she go down before that court? A Not to my knowledge.
 Q Did he go down to Tahlequah to the court before that time? A Yes sir I think he went down to the Bob Daniels court, think he went with my father.
 Q Was Bob Daniels Chief Justice of that court? A Yes sir.
 Q Just a few years after the war? A Yes sir.
 Q In '71 wasn't it? A Yes sir.
 Q Was any action taken in that court? A I don't know.
 Q You were not there yourself? A No sir.
 Q You were about 15 or 16 years old when you came back? A Yes sir I guess so, I don't exactly know how old I was.
 Q You were not married then? A No sir.
 Q How long after you got back before you married? A Not very long after I got back.
 Q Did you marry on your way down here? A No sir.
 Q How long had you been here before you married? A I have been married twice.
 Q How long had you been here before you married the first time? A. A Not very long.
 Q As much as a year? A May be so.
 Q Is that your best judgment? A My best judgment is perhaps that it was that long.
 Q When were you married to your present wife? A Upwards of 30 years, or so.
 Q How long did you live with your first wife? A Not very long, she died.
 Q A year? A Perhaps it was, maybe a little longer.
 Q Then you married your present wife? A Yes sir.
 Q When you came to the Cherokee Nation how did you come the first time? A In wagons.
 Q The first time? A Yes sir.
 Q The same with you? A Several were on horse-back; it is beyond my knowledge how many there were.
 Q Tell all you can remember? A We made a trip in August and one in October and then we moved here in the winter.
 Q Did you come in August? A Yes sir.
 Q Who came with you then? A Some of this family, Peter Meigs and got his place, the heads of these families.

Q Who else came with you? A My brother Sam and his wife.

Q Which ones? A Several.

Q Which ones? A Hove and Benwin, and the Webbers.

Q Name them? A Old man Sam and younger Sam and little Aaron, and a man named Abe Thurman, and Abe Hair, and I don't know who else, I don't know who all came.

Q Who came when you came in October? A I don't know who all came then, some of that same crowd and some more came in October.

Q Do you remember any additional persons? A To the best of my knowledge the Smith family.

Q What was his first name? A Old man Caesar Smith.

Q You came in both of the detachments yourself? A No sir.

Q Which one did you come in? A I came in August.

Q You didn't come in October then? Yes sir, I came when we first came; we brought some of our farming utensils when we came in August and left the rest on the creek.

Q On Big Creek? A Yes sir.

Q Where Mrs. Meigs lives? A Yes sir.

Q And you returned in October, how long did you stay in October.

Q We all didn't return in October, we didn't all go back, some staid in August, some staid and some came back; some of us brought our things with us and some came to look out homes, we all came with the intention of making our homes here.

Q When did you afterwards move here the last time? A In the winter of '66 is when we come down here the last time.

Q What time in the winter? A Long in January.

Q You mean in '67.

Q No in the winter of '66.

Q If you came here in the August and October of '66 and then returned for your families and come back here in the following winter, in the following January or February, that would be in '67? A I don't understand you; we came here in the winter of '66 in what I said, in January after we had first been here in August and October, we came right to where Mrs. Meigs is living now.

By the Commission:

Q You say you first came here in August of '66? A Yes sir.

Q That was your first coming was it? A Yes sir.

By Hastings:

Q When you moved here permanently, tell all that you possible can remember of who came with you in the January or February following?

A This family is one, her, the Meigs family, Peter Meigs, Elizabeth Meigs, Mary Meigs, George Meigs, Simon Meigs, Harriett Meigs, Perry Meigs, that is all that I can remember of that family.

Q I don't mean only of that family, there were other families were there not? A Old man Billie Norman.

Q Who else? A He had several children.

Q The heads of families I mean? A Fannie Sanders; I don't recollect them all; I don't know as I can call the names of all of them.

Q Were any of the Webbers along? A Yes sir.

Q Old man Sam and young Sam? A Yes sir; I would not pretend to call them all over as I had forgotten them Webbers and so I can't remember for if I had forgotten them I don't think I can remember any of the others.

By the Commission:

Q Did old man Sam Weber come? A Yes sir.

Q Did his son Sam come? A Yes sir.

Q Don't you remember any one else? A Rachel Thomas.
 Q Do you think of any one else? A No sir.
 Q You know that it was a mooted question before the Kerns Clifton Commission as to who came at this time and as to when you came? A. I haven't been interested as to anyone except for myself.
 Q You know that there is a question about who came don't you? A Yes sir I guess I do.
 Q You say you came to Big Creek? A Yes sir.
 Q Did you come by the way of Chetopa? A Yes sir I guess that we did, I don't know that they called it Chetopa then, there was a house or so there.
 Q Did you cross the river there? A What river.
 Q Neosho? A No sir.
 Q You didn't cross at the Gilstrap ferry? A No sir we crossed 20 or 30 miles from there.
 Q You came through what is Chetopa and came on west through the prairie? A We may have.
 Q You were in Wagons? A Yes sir.
 Q Were there any persons living on any of that country from Chetopa west, out to Big Creek except your own people who had come in August or October before that? A I have no knowledge of any one living there before that.
 Q Were there any houses there except those that your crowd built? A I don't know of any houses, but there were foundations for them on Big Creek.
 Q Then the houses were not built before you moved there with your families? A Yes sir some were, there there were logs on some up 8 or 10 logs high.
 Q Then there were none really completed until you moved there with your families? A No sir.
 Q Did you make a crop there the first year that you moved there? A Yes sir as near as we could with one horse plows and hoes.
 Q Do you know Jim Martin? A Yes sir.
 Q How far does he live from you now? A 4, 5 or 6 miles.
 Q Was he living there when you people moved there? A No sir.
 Q He had a brother names William Martin? A Yes sir.
 Q Was he living out there then? A No sir.
 Q There was an old man by the name of Carter living out there then, wasn't there? A No sir; there was an old man named Carter living 20 miles perhaps from there quite a while after we came there.
 Q Was his name Dick Carter? A I think it was.
 Q You say he lived some 20 miles from there? A Yes sir 20 miles below, on the Verdigris river. He came some time after.
 Q Do you know if that ferry that you crossed the Neosho river was called Gilstrap ferry? A No sir we never crossed on Gilstrap ferry.
 Q There were no farms made there when you passed through--no citizens had farms up there? A No sir none that I saw.

By the Commission:

Q You stated, I believe, that the first time that you come to the Cherokee Nation after the Civil war closed was in August of '66?
 A Yes sir.
 Q For what purpose did you come back then? A To make it our home; the proclamation had told us to come home, that it was open for us to come.
 Q You didn't bring your families with you then? A Only part of them and some things that we had.
 Q Part came with their families and part came to prepare for their families? A Yes sir.

Q What men were with you on that first trip? A This family, the Meigs family, not all of this man's boys, but the old man Meigs, Peter Meigs.

Q You didn't bring your family with you at that time did you? A No sir.

Q Did Peter Meigs bring any of his family then? A No sir.

Q Did you go back to Kansas after that? A Yes sir.

Q When did you bring your family? A Our family came in October.

Q When did Peter Meigs go back to Kansas? A I think with my father.

Q You came yourself 2d August? A Yes sir with my father.

Q You went back to Kansas after that? A Yes sir my father went there and I went with him.

Q When did Peter Meigs go back? A He went with the crowd.

Q Did he go with you and your father? A Yes sir.

Q Then you returned to the Cherokee Nation again in October? A Yes sir.

Q Did your father come with you? A Yes sir.

Q Did all the members of your own family come with you? A No sir, not all of them came in October.

Q Where was Peter Meigs in October? A He come with us at each trip.

Q Did he go back to Kansas with you? A Yes sir.

Q And then you came back here to the Cherokee Nation in October? A Yes sir.

Q Did Peter Meigs come back with you to the Cherokee Nation in October? A Yes sir.

Q That made the second time that Peter Meigs had been here? A Yes sir.

Q Where was Peter Meigs in Christmas of '66, do you know? A No sir I don't exactly know where he was in Christmas of '66.

Q When Peter Meigs got back to the Cherokee Nation with his family did he settle in the Cherokee Nation near your family? A Yes sir.

Q How far apart? A Two or three hundred yards apart.

Q Did he then go back to Kansas for his family after he made that October trip with you? A No sir he went back after something to eat.

Q You stated that he brought his family the last time in February, when did he go back after his family? A The third time he brought his family.

Q You staid here then? A Yes sir.

Q When did you come? A In the winter.

Q Was it in February? A Must have been in December.

Q What about that February trip you spoke of? A It was in the winter some time, snow on the ground.

Q Did your father come at that trip? A Yes sir.

Q Your mother? A Yes sir.

Q Peter Meigs? A Yes sir.

Q His wife? A Yes sir.

Q That was your third trip? A Yes sir.

Q Was that your last trip? A Yes sir.

Q When did your wife Alice come? A Come then.

Q On that third trip? A Yes sir.

Q You say Peter made all three trips with you? A Yes sir.

Q Every time you came he came? A Yes sir.

Q Every time you went back to Kansas he went back? A Yes sir, that is to the best of my knowledge.

Q Did he go there by himself? A No sir.

Q Do you remember distinctly that you came here in August the first time? A Yes sir.

Q Do you remember distinctly that Peter came with you in August and October? A Yes sir.

Q Do you remember distinctly that he come with his family when you made your third and last trip? A Yes sir.

Q With his family? A Yes sir.

By Com'r Breckinridge,-

The applicant states that she was a slave in the Cherokee Nation from the time the Cherokees moved to the Indian Territory in 1837 until she was liberated by the Civil war. She is identified on the Kerns-Clifton roll and on the Wallace roll, but not on the 1880 roll or upon the roll of 1896. The testimony indicated that her husband first returned to the Cherokee Nation after the war, coming from Kansas in August of 1866, that he came at that time to prepare for the bringing of his family back to the Cherokee Nation. He is now deceased, but he and the applicant were married at that time and had several children. The testimony further indicated that the applicant's husband made a trip back to Kansas in October, but not with a view of relinquishing his purpose to bring his family to the Cherokee Nation, but apparently to get provisions. It further appears that he returned to the Cherokee Nation with his wife and children in the following month of February. There is some conflict of testimony in regard to this matter, but so far that is the weight of the testimony. It also appears that proceedings may have been had by some Cherokee Court, either a citizenship court or the Cherokee Supreme Court, prior to the date of the Chambers Court, affecting the citizenship of this applicant and her husband and all those who may claim through them. It will be necessary to make further inquiry upon this point, and if possible to get an official copy of the record. Under these conditions, the applicant will now be listed for enrollment on a doubtful card and the final decision of the Commission will be made known to her at her post office address.

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Chas. von Weise, being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes therein,

Chas. von Weise.

Subscribed and sworn to before me this the 29th of May, 1901 at
Chelsea, I. T.

T. B. Needles,

Commissioner.

SUPPLEMENTAL:

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T., May 22, 1901.

In the matter of the application of Elizabeth Meigs for enrollment as a Cherokee Freedman;
REUBEN SANDERS, having been before sworn by Commissioner Breckinridge, testified as follows:

Q Give your name? A Reuben Sanders.
Q How old are you? A I am only about 50 past.
Q You gave testimony just now in the case of Elizabeth Meigs?
A Yes sir.
Q And you want to correct a statement you made there? A Yes sir, I wish to make the statement that it was in January, 1867 when we made the last move, about the first of the month; it was the following August in 1866; we had been here in August you know, in '66 and in October, and we made the last move in '67, January, and I put it down February I think; I wanted to say January.
Q How do you find out now it was January instead of February?
A It was just after Christmas that we was on the road coming down.
Q How long after Christmas? A Perhaps a week after Christmas; my reason for stating this is this, along Christmas- a few days before Christmas there was a man got killed named Hayford, and there was a gentleman killed him, a colored man killed that man Hayford, a man by the name of Mackey, and we started then right shortly after that killing was, and the parties followed us, thinking he was with us, in our crowd, that was just the following- a few days after Christmas, a week, or after Christmas.

Examined by Cherokee Representative, W. W. Hastings:

Q How old are you? A Well I just don't know my age exactly, I suppose that I am about 50 years old; something in that line.
Q Where did you say that killing took place? A In Kansas.
Q Fort Scott? A Yes sir.
Q And the man that was accused of the killing was named what? A Named Mackey.
Q You remember his first name? A No.
Q You remember the man who was killed, you get his first name? A No sir I don't not.
Q Did you ever learn afterwards whether or not that man was caught, do you know? A It seems to me like I learned afterwards that the man was caught, No I don't know nothing about that part of it.
Q You know what county Ft. Scott is in? A No sir.
Q Who called your attention to this ~~gross~~ error? A I thought so myself; I called my own attention to it; I was studying over it, I did.
Q You know now it was only a few days after Christmas? A Yes sir, a few days after Christmas.

Com'r Breckinridge: This statement will be filed as supplemental in the Elizabeth Meigs case, to be considered in connection with the former statement of the witness, and the other evidence relating to the date in question.

M. D. Green, being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 15th day of May, 1901.

J. R. Breckinridge,
Commissioner.

Department of the Interior,
Commission to the Five Civilized Tribes,
Cherokee, I.T., June 8, 1901.

In the matter of the application of Mary Blackburn for the enrollment of herself and one child as Cherokee Freedmen; being sworn and examined by Commissioner Needles, she testified as follows:

Appearances:

Mr. Smith, of Mellette & Smith, for applicant;
Mr. W.W. Hastings, for Cherokee Nation.

- Q What is your name? A Mary Blackburn.
Q How old are you? A 23.
Q What is your post-office address? A Hayden, I.T.
Q What district do you live in? A Cooweescoowee.
Q You apply to be enrolled as a Cherokee Freedman? A Yes sir.
Q Who do you want to enroll besides yourself? A My little boy.
Q What is his name? A Jeff Dixon.
Q How old is he? A 6 years old.
Q Is your name on the authenticated roll of 1880? A I don't know.
Q Is it on any of the rolls of the Cherokee Nation? A Yes sir, I think it's on the Wallace roll and it's on the Kerns-Clifton roll.
Q Are you married? A Yes sir.
Q What is your husband's name? A Charley Blackburn.
Q Is he living? A Yes sir.
Q Is he a citizen? A Yes sir.
Q Is his name on the roll of 1880? A I don't think it is.
Q He is a disputed citizen then is he? A No sir.
Q Has he applied to be enrolled himself? A Yes sir.
Q Why didn't he apply for you when he applied for himself? A He thought he had better wait and let me go on under my mother.
Q What is your father's name? A John Rose.
Q Is he living? A Yes sir.
Q What is your mother's name? A Emily Nolen.
Q Emily Nolen living? A Yes sir.
Q Where were you born? A They said I was born on California Creek.
Q You always lived in the Cherokee Nation, all your life? A Yes sir.
Q Jeff Dixon living now? A Yes sir.
Q Were you ever married before you married Blackburn? A Yes sir.
Q Who to? A James Dixon.
Q Is he living? A Yes sir.
Q Are you divorced from him? A Yes sir.

Examined by Attorney Smith:

- Q Emily Nolen, who here and applied for herself this morning, is your mother? A Yes sir.
Q Was she formerly the wife of John Rose? A Yes sir.
Q What kin is James Gilbert to you? A My uncle.
Q What kin is Jane Smith to you? A She is my aunt.
Q Are they brothers and sisters of your mother, or father? A My mother.
Q Are you on the Kerns-Clifton roll? A Yes sir.

Kerns-Clifton pay roll of citizens of the Cherokee Nation examined and applicant identified thereon as follows:
page 146 #3618 Mary Rose, Cooweescoowee District.

- Q Are you on the Wallace roll? A Yes sir, I think so.
Q By Com'r Needles:- Did you ~~money~~ draw Strip money for Jeff?
A No sir.

Wallace roll of citizens of the Cherokee Nation examined and

Mary Blackburn et al 2

applicant identified thereon as follows:
page 137 #2864 Mary J. Bone, Coprosecutrice District.

1880 authentic roster roll of citizens of the Cherokee Nation
examined and applicant not found thereon;
1896 census roll of citizens of the Cherokee Nation examined
and applicant not identified thereon.

Cherokee Representative, W. F. Hastings: I don't care to
ask anything.

Examined by Commissioner Needles:

- Q You are a child of Emily Nolen? A Yes sir.
Q John Rose is your father? A Yes sir.
Q You say your husband, Charley Blackburn has been enrolled?
A Yes sir.
Q Did he enroll this child, Jeff? A No sir.
Q You are sure of that? A Yes sir.

Com'r Needles: Mary Blackburn applies for the enrollment
of herself and a child, Jeff Dixon; her name is not found
upon the authenticated roll of 1880 or the census roll of
1896, but she is duly identified upon the Kerns-Clifton
roll as Mary Rose, her maiden name, - she avers that she is a
child of Emily Nolen and John Rose, who have been listed for
enrollment as Cherokee Freedmen on doubtful cards, 474 and 511
respectively; the testimony in said cases will be made a part
of the record in the case at bar, and copy of same will be
filed with the testimony now being taken; she avers that her
child is named Jeff Dixon, and that the father of said child,
Jeff Dixon, was one ~~James~~ James Dixon, her husband by a
former marriage; she is now married to one Charley Blackburn;
the name of Mary Blackburn will be listed for enrollment as
a Cherokee Freedman on a doubtful card, as well as her child,
Jeff Dixon; but it will be necessary for her to make
satisfactory proof of the birth of said child, whose name
does not appear upon the rolls of the Cherokee Nation; she
will be notified of the decision of the Commission in her
case.

M.D. Green, being first duly sworn, states that as stenographer to the
Commission to the Five Civilized Tribes he correctly recorded the
testimony and proceedings in this case and that the foregoing is a
true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this June 7, 1901.

M.D. Green

Commissioner.

Department of the Interior,
Commission to the Five Civilized Tribes,
Chelsoa, I.T., June 3, 1901.

In the matter of the application of Emily Nolen for the enrollment of herself and one child as Cherokee Freedmen; being sworn and examined by Commissioner Needles, she testified as follows:

Appearances:

Smith, of Kellette & Smith, for applicant;
W.W.Hastings, for Cherokee Nation.

- Q What is your name? A Emily Nolen.
Q How old are you? A About 50, I guess.
Q What is your post-office? A Ruby.
Q What district do you live in? A Cooweescoowee.
Q You apply to be recognized as a Cherokee Freedman? A Yes sir.
Q Who do you want to enroll besides yourself? A Well I can't enroll only them that's under age can I?
Q That's all.
Examined by Attorney Smith:
Q What children do you want to apply for? A Jessie Rose.
Q Now the next one? A That's all, if you don't let me enroll the boys.
Q Have you any other child that's under age, not grown? A No sir, they are all grown but them three.
Q All except Robert, James and Jessie? A Yes sir.
Q Well, Robert and James have already been applied for by your husband, John J. Rose, so you just apply for yourself and Jessie?
A Well, sir.
Examined by Commissioner Needles:
Q How old is Jessie? A Seven or eight, seven years old I guess.
Examined by Attorney Smith:
Q What is your name now? A Emily Nolen.
Q Were you the wife of John Rose? A Yes sir, I was.
Q How long did you and John live together, about? A I don't know.
Q What children were born ~~xxx~~ to you and John Rose while you were living together? A All my children are his.
Q Give their names? A Charlie, Carrie, Willie, Mary, Geneva, Robert, Fimmie and Jessie.
Q Did you and John separate? A Yes sir.
Q When did you separate? A About four years ago.
Q Where was Robert born? A On California Creek, in the Cherokee Nation.
Q Where was James born? A On Hickory Creek, Cherokee Nation, the same neighborhood.
Q Robert, James and Jessie are living with you? A Yes sir.
Q Where does Geneva live? A She has been living on Lightning Creek.
Q Is she married? A She has been married, but aint now.
Q Where is she living now? A She is living on Lightning.
Q Where does Mary live? A On Lightning.
Q Is she married? A Yes sir.
Q What is her name now? A Mary Blackburn.
Q Where does Will live? A He lives on California Creek, near ~~xxxx xxxxxxxx~~ Lenapeh.
Q Where does Carrie live? A She lives on Salt Creek, close to Ruby post-office.
Q How far from Ruby? A About a mile and a half.
Q Is Carrie married? A Yes sir.
Q What is her name now? A Freeman. She married George Freeman.
Q Where does Charles live? A He lives near Coffeyville in the Cherokee Nation, on the Verdigris.

- Q You apply for yourself and family do you? A Yes sir.
- Q What was your name before you were married? A Before I married the first time.
- Q Yes sir? A Dannenberg.
- Q Were you born a slave? A Yes sir.
- Q Who did you belong to? A I belonged to Dannenberg.
- Q Was he a Cherokee? A Yes sir.
- Q Where did you live before the war? A In Flint, Cherokee Nation.
- Q Were you taken out of the Cherokee Nation during the war? A Yes sir.
- Q When did you come back? A I come back in the fall of '64.
- Q Was it you come back with? A I come back with my mother and brother and sister.
- Q What was your sister's name? A Jane Smith is now.
- Q Anybody else with you? A Uncle Dave French.
- Q What family did your father and mother have at that time at the time you came back here, who were the members of that family?
- A That I belonged to?
- Q Your father's family, you mentioned your sister, Jane Smith?
- A And my brother, James Colbert; there wasn't but three children.
- Q Where did you come to when you came back? A Come to Lightning Creek.
- Q How old are you, you say? A I am about 50 I guess.
- Q You don't know your age? A No sir.
- Q Can you remember how big you were when you came back to the Nation after the war? A I guess I was about 11 years old.
- Q You don't know exactly? A No sir, I don't know my age.
- Q You were not grown? A No sir, I wasn't grown.
- Q Where does your sister, Jane Smith, live? A She lives in Hickory Creek, about nine miles below Coffeyville, in the Cherokee Nation.
- Q What is her husband's name? A Charley Smith.
- Q Where does James Colbert, your brother, live? A He lives near Bartlesville, in the Cherokee Nation.
- Examined by Cherokee Representative, W.W. Hastings:
- Q You say you belonged to Dannenberg? A Yes sir.
- Q Where did you live before the war? A I lived in the Nation, down there close to Flint.
- Q Close to Flint? A Yes sir, I don't know what.
- Q Did Dannenberg have any children? A Yes sir.
- Q What are the names of some of them? A His oldest girl was named Josephine and the oldest boy was named Henry.
- Q You were living with them at that time? A Yes sir.
- Q What did your brothers and sisters belong to? A Same person.
- Q All them you have mentioned belonged to the same person? A Yes sir.
- Q And he was living in Flint District? A I guess it was Flint District, but I remember it was near Flint.
- Q About how big were you when the war came up? A I was quite small.
- Q You don't know, remember anything about the dates then? A I know the dates when I see them, but I can't remember no dates that far.
- Q You were not married when you came back here then? A No sir.
- Q When did you marry John Rose? A I don't know just when.
- Q About how long after you came back here? A I guess about 4 or 5 years.
- Q You never married him in Texas then? A Yes sir, I married him in Texas.
- Q Then you married him before you came here? A I came down here and then I went back and I married him when I went back.
- Q Where did you come to when you came down here the first time?
- A I come to Lightning Creek.
- Q Your father's name? A I don't know anything about my father.

I never saw him.
Q What was your mother's name? A Tilda Dannenberg.
Q She came down with you then? A Yes sir.
Q Just you and your mother and brother and sister? A Yes sir, and Uncle Dave Frances.
Q He was along? A Yes sir, and Tarry Still.
Q He was along? A Yes sir.
Q How long did you stay down here when you came? A I went back I guess it was in the summer.
Q What time did you come down? A I came in the fall.
Q And you stayed here then until the next summer? A Yes sir.
Q Then you lived in Kansas about four years? A No sir, I didn't stay there until September, I guess about September, and I came back.
Q Well, you said you married up there? A Yes sir, I married up there.
Q Didn't you state awhile ago it was about four years after you came down here until you married? A I mean it was four years from the time I came down here the first time.
Q That's what I meant? A Well I didn't stay up there no four years the following summer? A Yes sir.
Q Was it about four years when you first came down here after the war that you married Rose? A I came down here the first time with my mother and sister, and I stayed until along in the summer and I went back and stayed there until along in the fall and I stayed there until in the fall and then I come back and I married up there and I come back that fall.
Q Was you ever married before? A No sir.
Q Was Rose ever married before? A Not as I know of.
Q He was a state man? A Yes sir.
Q He went back to Kansas with you? A A young man by the name of Reed Whitney.
Q Was he any relation to you? A No sir.
Q How did you two happen to go back together? A There was another girl went with us.
Q What place in Kansas did you go to? A We went back to Lawrence.
Q You were married in Lawrence? A Yes sir.
Q What year were you married? A I can't tell the dates, I was married, I can't tell how long I have been married and when I did marry.
Q You can't tell the year you was married in but you could tell the fall you come back here? A Oh yes, I can tell that, because I heard so much talk about it.
Q You didn't hear so much talk about your marriage? A No sir.
Q What is your oldest daughter's name? A Charley Rose.
Q How old is Charley? A I guess he is about 29.
Q Where was Charley born? A He was born in the Nation.
Q Where? A He was born on Grand river.
Q Who were your neighbors then? A My aunts.
Q What was their names? A Aunt Mary Suffington.
Q You were living then over on Grand river? A No I just went down there on a visit.
Q How long had you been in the Nation then? A I don't remember.
Q Where was your next child born? A On California Creek.
Q What was his name? Next one to the oldest child was? A Carrie Freeman.
Q She was born on California Creek? A Yes sir.
Q How far down from Coffeyville? A About 15 miles.
Q What direction? A South.
Q Have you been living at that place ever since? A Right around in the neighborhood ever since.
Q Where was Carrie Freeman married? A She was married on Hickory Creek.

- Q She ever live in Kansas? A No sir.
Q Did Charley ever go back to Kansas? A No sir.
Q Who did you and your mother live with the first fall after you came back here? A We stayed at Aunt Mariah Hayden's.
Q Did you live in the house with her? A Yes sir. We lived in the house with her awhile, and we had a little house.
Q Who was living with aunt Mariah Hayden? A Why this man Reed Whitney, and this Andy Rader, and her son.
Q That was in the fall of '86 was it? A Yes sir.
Q Where was your aunt Mariah Hayden living then? A Why close just close to where she is living now, I don't know just where the place is, I couldn't tell where, just where the place is now.
Q It was on the same place, but a different house? A Somewheres along there, I have never been there for a long time, and I don't know.
Q She had a house built did she? A I suppose she had I don't know.
Q You don't know whether they were living in a house or not?
A Oh yes, I know they were living in a house, but I don't know how they got it.
Q You know how long they had been living there when you come?
A No sir.
Q Had they raised a crop there, patch? A I guess they had a garden patch, but it has been so long I don't remember.
Q Was Mr. Hayden there? A I don't think he was at that time, you see I was small and then I can't remember very much noway.

Kerns-Clifton pay roll of citizens of the Cherokee Nation examined and applicant and child identified as follows:

page 146 No. 3616 Emily Rose, Cooweescoowee District;

page 146, #3622 Jess Rose, Cooweescoowee District.

Wallace roll of citizens of the Cherokee Nation examined and applicant identified thereon as follows:

page 137 #2859 Emma Rose, Cooweescoowee District.

Examined by Commissioner Needles:

Q What is your present husband's name? A Manuel Nolan.

Q What was Rose's name? A John Rose.

Com'r Needles: Emily Nolan applies for the enrollment of herself and child Jessie Rose; she cannot be identified upon the authentic ted roll of 1880 or the census roll of 1890, but is duly identified upon the Kerns-Clifton and the Wallace rolls, as Emily Rose, that having been her name by former marriage, and to one John Rose, from whom she is now divorced; she has since married one Manuel Nolan; by her first marriage to said John Rose she avers that she had one child, Jessie, and she is duly identified upon the Kerns-Clifton roll according to page and number of the roll as indicated in the testimony; she avers that she was formerly married as stated, to one John Rose, from whom she is now divorced; said John Rose was duly listed for enrollment as a Cherokee Freedman on doubtful card 474, the testimony in said case will be made part of the record in the case at bar, and copy of said testimony will be filed with the testimony now being taken; they make satisfactory proof as to residence, consequently, Emily Nolan, and her child, Jessie Rose, will be duly listed for enrollment as Cherokee Freedmen upon what is known as a doubtful card; she will be notified of the decision of the Commission in her case when arrived at.

M. D. Greer, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof. Subscribed and sworn to before me (signed) M. D. Greer this June 6, 1901. (signed) T. B. Needles, Commissioner.

Department of the Interior,
Commission to the Five Civilized Tribes,
Chelsea, T. T., June 1st, 1901.

In the matter of the application of John J. Rose for the enrollment of himself, as intermarried Cherokee Freedmen; and two children as Cherokee Freedmen; he applying as intermarried; being sworn and examined by Commissioner Needles, he testified as follows:

Appearances:

Mr. Smith, of Mellette & Smith, for applicant.
Mr. L. B. Bell, for Cherokee Nation.

- Q What is your name? A John J. Rose.
Q What is your age? A About 35.
Q What is your present office? A Lawman, Indian Territory.
Q What district do you live in? A Cowasawnee District.
Q You apply to be enrolled as a Cherokee Freedman? A No sir, as intermarried adopted.
Q Who do you want to enroll besides yourself? A 2 little boys Robert Rose.
Q How old is Robert? A About 14 years old.
Q What is the next child's name? A James Rose.
Q How old is James? A James is about 12.
Q Are you married? A No sir, I am a widower.
Q Your wife not living? A Yes sir, she is living; we was divorced.
Q What is the mother's name of these children? A She is married again.
Q Who has got those children? A I have got them in custody.
Examined by Attorney Smith:
Q What was your wife's name when you married her? A Emily Danner-herr.
Q Have you a witness where she knew as to whom she belonged?
A Yes sir.
Q Did you know her during the war yourself? A No sir.
Q You can't state from your personal knowledge who she belonged to?
A No sir.
Q Where was she during the war? A No sir. I never got acquainted with her until after the war.
Q When did you get acquainted with her? A In the fall of '35, near the close of the war.
Q Where was she? A At Lawrence, Kansas.
Q In '65? A Yes sir.
Q How long did you stay in Lawrence after that? A I lived in Lawrence about, - let me see, about three years, I think it was '68 when I left there.
Q Did she leave Lawrence? A She left Lawrence in the fall of '66 the next year after the war closed.
Q Did she make any statement as to where she was going? A She was coming to the Nation with her mother.
Q Where did you marry her? A I married her in Lawrence, Kansas, the first time I married her, and I married her the second time in the Indian Territory.
Q How did you marry her in the Territory, under what law?
A Under the Cherokee law.
Q Have you got the certificate? A I have got a certified copy. (Produces papers.)

Attorney Smith: I desire to offer a certified copy of a certificate of his marriage to his wife, issued by the clerk of Cowasawnee District. (Hands paper to Cherokee Rep'r Bell, who examines it.)

Com'r Needles: The applicant presents a certified copy of marriage certificate certifying that he was married according to the laws of the Cherokee Nation on the 28th day of September, 1880, marriage license issued in '74, 28th day of

John J. Rose at 21

December; and married to Emily Dannerberg, Minister of the Gospel, 29th of September 1880, to Emily Dannerberg.

Examined by Attorney Smith:

- Q Have you ever been recognized as a citizen of the Cherokee Nation? A Yes sir, I have been recognized, the rights of vote.
- Q Have you voted in the Cherokee elections? A Yes sir.
- Q Have you ever had any permits issued to you? A I don't think I ever applied, yes I have, but I have no copies of them.
- Q You have had permits issued to you? A Yes sir.
- Q About when, do you remember? A It has been 14 or 15 years ago, I never paid any attention to it.
- Q Did you ever have any law suits in the Cherokee courts? A One, yes sir.
- Q What with? A Man named Sutleyman, Delaware citizen.
- Q In what court? A Civil court it was then, held at New Creek, Cooweescoowee District.

Cherokee Rep's Hall: I object to the introduction of this evidence, for the reason that it is not the best, the records could be obtainable, or showing such as to make that they are not obtainable.

Com'r: Well, go on.
BY ATTORNEY SMITH:

- Q Well now, Mr. Rose, where do you live now? A I live five miles north of Lenoah, Cooweescoowee District, Cherokee Nation.
- Q Are these two children, Robert and James, living with you? A Yes sir, when I am at home they are.
- Q Are these children on any of the rolls? A Yes sir.
- Q Robert and James, what rolls? A They are both on the Kerna- and Clifton roll, and I think one of them is on the Valley roll, I am not positive.
- Q How old is Robert? A 14, going on 15.

Kerna-Clifton roll of citizens of the Cherokee Nation examined for applicant's children and identified page 143, #3619 Robert Rose, Cooweescoowee District.
page 146 #3621 Jim Rose, Cooweescoowee District.

1880 authenticated roll of citizens of the Cherokee Nation examined and applicant not identified thereon.
1896 census roll of citizens of the Cherokee Nation examined and applicants not identified thereon.
Kerna-Clifton roll of citizens of the Cherokee Nation examined and applicant's former wife identified as follows:
page 143, #3616 Emily Rose, Cooweescoowee District.

Examined by Cherokee Representative, L. B. Bell:

- Q You don't claim anything but intermarriage right? A And the right to enroll these two children.
- Q Then did you marry Emily Dannerberg first? A First time I married her I think it was in 1887, along in June.

FURTHER TESTIMONY IN THIS CASE TAKEN BY STENOGRAPHER
CHARLES VON KRIST.

M. D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.
Subscribed and sworn to before me this June 5th, 1901.
Signed T. J. Needles,
Commissioner.

John J. Rose et al

June 1st, 1901, CONTINUATION of the above.

By Chas. von Weiss, Steno.

Harry Still, being sworn by Com'r Needles, as a witness for the applicant, testified as follows:

By Mr. Smith:

- Q What is your name? A Harry Still.
- Q What is your postoffice address? A Hayden.
- Q How long have you lived in the Cherokee Nation? A About 54 years.
- Q How old are you? A About 54 years old.
- Q Did you know Emma Rose or a woman who was the wife of John J. Rose? A Yes sir.
- Q What was her name before she married Rose? A Dannenberg.
- Q Was she a slave? A Yes sir.
- Q Who did she belong to? A Dick Dannenberg.
- Q Was he a Cherokee citizen? A Yes sir.
- Q Where was Emma Dannenberg when the war broke out? A She was living with her master then.
- Q Where? A In Flint.
- Q In the Cherokee Nation? A Yes sir.
- Q Do you know if she was taken out of the Cherokee Nation during the war? A Yes sir.
- Q Did she come back after the war? A Yes sir.
- Q When did she come back? A In the fall of '66 long about the last part.
- Q Who came back with her? A She came back with her mother, sister, brother, me, my mother, my sister, Reed Whitney.
- Q Where did you come to? A Come to Lightning Creek.
- Q How old was Emma at that time? A Her and Jane was both good sized girls-- young ladies.
- Q Who was their mother? A Tilda Dannenberg.
- Q Where did they locate when they came? A Stopped at a place now known as Hayden.
- Q And where is this place Emma now? A She is living about 8 miles from Hayden in what is known as the Jim Martin settlement.
- Q Where does John Rose live? A Somewhere six miles from Lenepah.
- Q How long has he lived there? A The first time that I saw those people I can't exactly fix the date, it was on California Creek over 20 years more than that must have been in '75 or '76.
- By Bell--
- Q Was this Tilda Dannenberg married? A No sir, she was a widow.
- Q Where did she settle? A Near what is Hayden now.
- Q How long did she live there? A 5 or 6 years.
- Q And kept these children with her? A Not all the time.
- Q How long did she have them? A 2 or 3 years when she first came there.
- Q I mean Emma Rose. I am speaking of John J. Rose's wife? A That is Emma-- she kept Jim with her all the time.
- Q I am speaking of John J. Rose's wife? A That is who I mean.
- Q When did you come back to this country? A That first time?
- Q Yes sir? A In '66.
- Q And then you came back again? A Yes sir.
- Q In '65? A Yes sir.
- Q Are you on the 1880 roll? A I am a citizen all right and was admitted at Vinita.
- Q Are you on the roll of 1890? A I said I was a citizen all right.
- Q Who came back besides your family? A Reed Whitney, Joe King, Andy Rider.
- Lewis Whitmore called and sworn as a witness for the applicant.
- By Mr. Smith.
- Q What is your name? A Lewis Whitmore.

J.J. Rose 4.

- Q Where do you live? A Hayden, I.T., on Lightning Creek.
Q How long have you lived in the Cherokee Nation? A Never lived out of the Cherokee Nation.
Q Do you know John Rose? A Yes sir.
Q How long have you known him? A I have known him about 25 years.
Q Do you know his wife Emma? A Yes sir.
Q Who did she belong to before the war? A Mr. Dannenberg, and his family.
Q Were they Cherokee citizens? A Yes sir.
Q Where did they live? A I can't tell exactly if it was in Flint or Goingsnake, 2 or 3 miles from the line.
Q How big was she when she came back? A I don't recollect how big but she was a small girl when the war commenced.
Q She was out of the Cherokee Nation when the war was going on was she? A Yes sir I guess so.
Q Where did you first see her after the war? A Her mother was at the old Harry Still place up on Lightning Creek.
Q When did you first see her--with her mother? A Sometime in the winter of '66.
Q Did you know who she was with? A With her mother.
Q Did you come back to this country the same time Harry Still did or not? A No sir I came down same summer though.
Q Do you know who brought this woman and these children to the Cherokee Nation? A No sir.
Q How long did you continue to see them up around there? A They were there 5 or 6 weeks, taken a claim there, it was cold weather, they got dissatisfied and gave it up.
Q Where did you next see them? A On Gooseneck Bend, I was up there to the Chief election up there and seed them.
Q Have you ever been to the Rose house at Lenapah? A No sir.
By Bell.
Q How far from the Harry Still place do you live? A Just a short mile just like going from here over in town.
Q That was in 1866 that you was over there and saw these people? A Yes sir.
Q How long did Em. Rose stay there with her mother? A I just saw them there a short time.
Q About how long? A 5 or 6 weeks.
Q Where did she go then? A I don't know where she went, the next I heard of then was that they had a place up near Lenapah. I has never been to their place there, don't know where it is.
Q You know that they have lived up near Lenapah though? A Yes sir.
John Landrum called and sworn as a witness for the applicant.
By Mr. Smith:
Q What is your name? A John Landrum.
Q Where do you live? A On Lightning creek.
Q What is your post-office? A Hayden.
Q How long have you lived there? A 30 years.
Q How long have you lived in the Cherokee Nation? A I was birthed here and raised here.
Q Do you know Emma Rose who was the wife of John Rose? A Yes sir I am slightly acquainted with her.
Q Did you know her before the war? A Yes sir I saw her a time or two.
Q Was she a slave? A Yes sir.
Q Who did she belong to? A The Dannenbergs.
Q Where was she when the war came up? A In Flint District.
Q When did you first see her in the Cherokee Nation after the war? A On Lightning creek.
Q When? A Fall of '66.
Q Who was she with? A Her mother Tilda.
Q Do you know how long they staid in that neighborhood? A I think they must have staid there 4 or 5 years as near as I can recollect.

Q How far is it from where you saw them to Lewis Whitwires? A 2 miles north east.

By Bell:

Q You say you knew En Rose before the war? A Yes sir I saw her.

Q About what size was she when the war came up? A Small.

Q 4 or 5 years old? A I dont know, I was small myself.

Q About what age was she? A Might have been 7 or 8 I dont know.

Q Where did you see her before the war? A Where they lived on Flint.

Q Where did you live at that time? A On Spavinaw, this side of

Q How far from Mayesville did they call it? A About 12 miles, on the military road right on Spavinaw, the Jess Buffington place is where I was raised.

Q How far was that from the Dannenberg place? A It was a long ways.

Q How old are you Jack? A 59 as near as I can come.

Q What was you doing there at the Dannenberg place at that time?

A My master carried me up there.

Q When was that? A That was a long before the war came up.

Q Well how long before the war came up? A I cant tell exactly, it was not so long before the war came up though.

Q Who was your master? A At that time I belonged to Jim.

Q Jim Landrum? A No sir Jim Muskrat they called him.

Q What was he doing there at the Dannenberg place? A On business I guess.

Q Selling some of you? A No sir not exactly, I dont know, I never was sold in my life.

Q How many days did it take you to go up there from where you lived?

A 2 or 3 days or more in wagons.

Q How long did you stay there after you got there? A 3 or 4 days.

Q Can you tell close to where they lived in Flint? A No sir I cant

Q You got through with that visit and came back home and never saw her again until you saw her up here on Lightning? A Saw her mother in Fort Scott.

Applicant re-called and examined by Mr. Smith:

Q Where were you living in 1860? A On California creek, near the Turkey crossing.

Q Were you and Emma living together then as man and wife? A Yes sir.

Q Do you know why you wasnt put on that roll? A At the time

the census takers came around in the spring of '75, the census takers

was Dick Duck and Mr. Eicks, they come to the house and my wife

was absent and I gave in her name and all the rest of the family;

there was an order from the Chief or the executive office for all

those who had not met the census takers before to appear ~~in~~ at

the district clerks and give in their census, and in '75 I taken my

mother in law and went to the clerk and she gave them in and swore

to it and proved it by John Freedman--that was the same year that Mr.

Wallace made the roll of the freedmen that I went to Tahlequah

and got Mr. Rasmus to go and examine the office and see if my people

was down and he did and the clerk there told him the the district

clerk, C.O. Lipe, had never sent in any such ~~papers~~ reports.

By Bell:

Q That was in '75? A Yes sir, the time that Jacob Lipe was clerk

he took the oath and they said that the first oath that he took then

was that of this her woman's mother, Tilda Dannenberg.

By Smith:

Q Do you know why she was not placed on the 1860 roll? A Just

rejected her then, they disputed her after that.

Q You were here at the time? A Yes sir.

By Com'r Needles:--John J. Rose applies for himself and two children Robert and James Rose. and he makes satisfactory proof

of his marriage to Mrs. Dannenberg according to the laws of the Cherokee Nation; the name of his wife is not found on the Cherokee Nation roll of 1880, but is identified on the Kern Clifton and William rolls; the names of the two children above named are by his said wife's name and are identified on the Kern Clifton roll; he makes satisfactory proof as to his marriage in the year 1880 according to the laws of the Cherokee Nation; they are all duly identified but for the reason that the name of the said Family Dannenberg, the wife of the said John J. Rose does not appear on the Cherokee Nation roll of 1880, and because of the fact that the Cherokee Nation will be listed for enrollment as a Cherokee Freedman by intermarriage on a doubtful card, and the two children James and Robert Rose will be listed for enrollment as Cherokee Freedmen on a doubtful card, and the final decision of the Commission will be made known to them by mail.

Chas. von Weiss, being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full that portion of the testimony as indicated as having been taken by him, and that the foregoing is a full, true and correct transcript of his stenographic notes therein.

Subscribed and sworn to before me this 6th of June, 1901, at
Chas. von Weiss.

(signed) Chas. von Weiss.

(signed) T. A. Needles,
Commissioner.

M. J. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he made the foregoing copy and that same is a true and complete copy of the original transcript.

Subscribed and sworn to before me this November 19th, 1901.

COMMISSIONER
Notary Public

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T., October 15, 1901.

In the matter of the application of Elizabeth Meigs et al. for enrollment as Cherokee Freedmen.

Testimony introduced on behalf of the Cherokee Nation.

Appearances:

L. T. Brown, agent for the applicant;
J. S. Davenport, of counsel for Cherokee Nation.

L. T. Brown: I would like to have the record show that sometime next week the applicant intends to introduce as witnesses in this case, Aaron Wright, Reuben Sanders, Dan Sanders, and Sam Webber, for the purpose of showing that all the applicants in this case returned to the Cherokee Nation during the time prescribed by the Ninth Article of the Treaty of 1866.

Commissioner Needles: Hasn't that already been shown?

L. T. Brown: And that they have had a continuous residence in this country since that year.

Commissioner: Well, that is all right.

ROBERT MEIGS, being duly sworn by Commissioner Needles, testified as follows.

Mr. Davenport: What is your name? A Robert Meigs,
Q Where do you live? A I live five miles southwest of Tahlequah.

What is your postoffice? A. Park Hill is my postoffice.

How old are you? A I am 56 my next birthday.

Q How long have you lived in the Cherokee Nation? A I have lived here all my life except a little while time of the war, from '84 to '66.

Q Did your people own any slaves before the war? A Yes sir.

Q Did you know whether they owned a woman by the name of Elizabeth?
A No sir.

Q Do you know whether or not they owned her mother, or anybody of the family? A Elizabeth, no, sir.

Q Well, did you know Peter Heigs? A Yes sir.

Q Well, did you know Peter Hoffer? A Yes sir.
Q Do you know what his wife's name was when the war broke out?

1 Betsy they called her.

Q Well, was she living, Betsy, at the time the war broke out?

Yes, sir.

Well, did you ever know her by any other name than Betsy?

A Bettie.

Q Where was Peter Weigs and his family at the breaking out of the war? A Well Peter was with us at home at the breaking out, but he and his wife was up there somewhere near the Dutch Mills on the Arkansas line.

2 Well I wish you would look at that woman there and see if she is the woman you knew as Betsy or Bettie or whatever you knew her by (indicating applicant)? A Yes, I think that is the one, I have never seen her but once.

Q That is since the war? A I just saw her once in my life and that was time of the war, after the war.

Q. Did you ever see Peter Meigs and his family after the war? A Yes sir, saw Uncle Peter.

Q What year was that? A Sometime after '71.

Q What were the circumstances as to your seeing him or meeting him?

Q. Why he had to come down to Council to see about fixing up his rights, and he came down to visit my brother John, we were right together, and I went up there to see him.

Q Did you have a conversation with him or did he have a conversation with your brother John in your hearing where he and his wife were present in regard to his right or when he returned? A Yes sir. Q Give that conversation as near as you can.

L. T. Brown: The applicant objects to this witness relating any conversation he might have had with Peter Meigs, for the reason that Peter Meigs is dead and cannot affirm or deny this statement.

Commissioner: The objection will be noted and the witness will answer.

Q Go ahead and state what the conversation was between you? A He was talking about returning, he said he came down here in the fall of '66 and started to make him a place somewhere on Big Creek and his family wasn't with him, and afterwards when he returned why it was too late when he brought his family.

Q Did you ever see any other members of his family excepting he and his wife at the time you speak of? A No, sir, just him and his wife is all, I wasn't acquainted with the children.

Q Do you know where he was living at that time? A He said he was living on Big Creek somewhere.

Q That was in what year? A This was after '71 sometime, I don't know just what time it was.

By L. T. Brown: Now what did you say that conversation was, Mr. Meigs? A Why he said that he had come down to make him a place somewhere up here on the Verdigris, or Big Creek, and he started to make him a cabin, and put up the wall, and then went back for the family.

Q He told you that he came down and started him a little cabin with the intention of making him a home in the fall of '66? A He said he came down and started to make him a home.

Q In the fall of '66? A Yes, in the fall of '66.

Mr. Davenport: Well, what did he do after he started that home, did he say, after he started that cabin? A Went back after his family.

Q And he stayed up there till when he came back down here it was too late, is that what he told you? A Yes, sir.

L. T. Brown: How long did he tell you he stayed up there in Kansas after he made the first trip? A He didn't state, I believe he gave but one date.

Commissioner: This testimony will be made part of the record in the case at bar, and also part of the record in D case 394, D-396, D-398, D-404, D-402, D-401, D-407, and D-775, and the sub-references.

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C. Jones.

Sworn to and subscribed before me this the 7th of November, 1901.

T. B. Needles,

Commissioner.

~~Vita with Cherokee Freedman D-391, Elizabeth Meigs.~~

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T., October 19, 1901.

In the matter of the application of Elizabeth Meigs et al. for enrollment as Cherokee Freedmen.

Supplemental testimony on behalf of the applicant.

Applicants:
L. T. Brown, agent for applicants;
L. D. Bell, of counsel for Cherokee Nation.

DANIEL SANDERS, being duly sworn by Commissioner Needles, testified as follows:

By L. T. Brown: State your name? A. Daniel Sanders.

Q. What is your age? A. About 59.

Q. What is your postoffice address? A. Centralia.

Q. Are you a recognized citizen of the Cherokee Nation? A. Yes, sir.

Q. Does your name appear upon the authenticated roll of 1880?

A. I think it does.

Q. You know Elizabeth Meigs and George Meigs? A. Yes, sir.

Q. What relation is George Meigs to Elizabeth Meigs? A. Her son.

Q. Did you know Peter Meigs during his life time? A. Yes, sir.

Q. Do you know whether Peter Meigs, Elizabeth Meigs, and George Meigs were out of the Cherokee Nation during the war? A. Yes, sir.

Q. When did they return to the Cherokee Nation? A. They came in '66.

Q. With whom did they return? A. They came with me and my father and the Webbers.

Q. Have they had a continuous residence in the Cherokee Nation ever since? A. Yes, sir.

Mr. Bell: When did you come to the Cherokee Nation yourself after the war? A. In '66.

Q. What time of the year? A. First of December.

Q. That was the first time? A. Yes, sir.

Q. When did you make your second trip? A. Along in first part of January.

Q. That was January, 1867? A. Yes, sir.

Q. Now which one of these trips was it that Peter and his family came with you? A. They came both times.

Q. Came both times? A. Yes, sir, the old man came the first time and then the last time the family came.

Q. Peter came with you alone the first time? A. Yes, sir.

Q. Then the second time he brought his family? A. Yes, sir.

Q. What did his family consist of? A. Mary, George, Alice, Harry, Simon, and Perry.

Q. Then was his children? A. Then was his children.

Q. Well he had his wife Elizabeth with him, didn't he? A. Yes, sir.

Commissioner: This testimony will be filed and made part of the record in the case at bar and part of the record in D-394, D-396, D-398, D-401, D-402, D-404, D-407, D-775.

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C. Jones.

Sworn to and subscribed before me this the 19th of November, 1901.

T. B. Needles,

Commissioner.

The undersigned, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he made the foregoing copy, and the same is a true and complete copy of the original.

Roy Palmer

Subscribed and sworn to before me this the 8th day of August, 1902.

Prince Jones
Notary Public.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T., October 23rd 1901.

SUPPLEMENTAL TESTIMONY in the matter of the application of John J. Rose, C. P. R. 474.

Appearances:

James S. Davenport for the Cherokee Nation.
Mellette & Smith for the applicant.

PHILIPS GUNTER being first duly sworn by Commissioner T. H. Needles, testified as follows on the part of the Cherokee Nation:
(By Davenport)

Q What is your name? A Philips Gunter.

Q Where do you live? A In Goodenow Bend, Cherokee County, District 1.

Q How old are you? A I just dont know my age exactly.

Q Do you know John J. Rose? A Yes sir, I know him.

Q Do you know Emily Nolan who was formerly the wife of John J. Rose?

A Yes sir.

Q Where did you first get acquainted with them? A I was acquainted with their mother in slave times.

Q With their mother, Rose mother do you mean? A Emily's mother.

Q What was her name? A Matilda Damsburg.

Q Were John J. Rose and Emily Nolan any relation to each other? A Yes sir they got married.

Q Where did they get married? A In Kansas somewhere, I cant tell exactly the place.

Q Where did you know John J. Rose and Emily as man and wife? A Right there in Lawrence.

Q When did you come back to the Cherokee Nation after you knew them in Lawrence? A As near as I remember it was the year before the Grass or Bread Payment.

Q Do you know what year that was, what year the bread payment was made? A No sir.

Q Where was John and Emily living when you come back from Lawrence?

A I left them up there.

Q Up where? A Lawrence Kansas and never seen them any more until they came here.

Q Did they have some children? A Yes sir.

Q Do you know the names of any of them? A A little boy named Charlie and a girl named Lizzie is all they had then.

(By Smith)

Q Are you a freedman? A Yes sir that is what I have been claiming.

Q Are you on any of the rolls of the Cherokee Nation? A Yes sir.

Q What roll? A My case was taken up at Chelsoa.

Q I ask what rolls you are on? A Clifford and Wallace rolls I guess they call it.

Q Who did you belong to before the war? A I belonged to a woman, she was a Starr before she married and she married a man named Latty.

Q What was her name before she married? A Jane Starr.

Q What was her father's name? A I dont know.

Q Where did they live? A At the old home up in Flint and in Sequoyah. Near what town? A Not close to any town, lived out in the country, be closest town was Evansville.

Q Were you living there when the war commenced? A Yes sir.

Q Where did Emily's mother live? A With Mrs. Damsburg.

Q How far from where you lived? A In the same district but it was farther off, north from me, I cant tell the distance exactly.

Q Was it 50 miles? A No sir, I dont think it was quite that far.

Q You didn't know Emily herself before the war? A Yes sir I knowed

I thought you said you knew her mother—what was her mother's name?

Matilda Damsburg.

Q And you, or did you not know Emily before the war? A I think Emily

was born before the war, if she was she was a small child; I know
 I saw her in her mother's arms.
 Q Was that before the war? A Yes sir.
 Q Sure of that? A Yes sir.
 Q Where did you ever see her in her mother's arms before the war?
 A With her mother at the Damsburg place.
 Q How many times were you at the Damsburg place? A I was hired
 out to his brother Nathan.
 Q How far did the two Damsburg brothers live apart? A I cant say
 exactly how far.
 Q Cant you give some idea as to how far? A I dont know exactly.
 Q Did they live 250 miles apart? A Nathan lived in town and one
 lived in the country.
 Q Was it 400 miles apart? A No sir it wasn't, I dont suppose it was
 over five miles, it wasn't five miles, it was between 3 and 4 miles
 I guess.
 Q When the war come up where did you go? A When the war come up for
 a little while—when the war was ending so I was with my owners at
 Parkhill a while and then came back to the old home place.
 Q When did you go up to Kansas? A About the time of the close of
 the war, just about the time that Quantrell's raid was in Lawrence.
 Q What place in Kansas did you go to? A Lawrence.
 Q Where was this Matilda then, didn't you say you saw Matilda there?
 A When I first went up in Lawrence.
 Q Yes sir? A I didn't see her when I first went up there, we lived
 on one side of the river and they lived on the other, but I shortly
 afterwards saw her, I didn't see her for the first day or two after
 I got there.
 Q You said a while ago that you saw Emily in her mother's arms you
 thought before the war, how long before the war was it? A I cant say
 I dont know, I dont recollect that far back, I have told it as straight
 as I know.
 Q You claim to have known this woman ever since she was a little
 baby, now when was she a little baby? A I cant say.
 Q How big was she when the war come up? A Quite a little girl.
 Q How many years old? A I dont know, never paid any attention, just
 seen them and knowed the, I dont know anything about the ages.
 Q Was she three years old? A She might have been and might have been
 more.
 Q Well, about how old? A I dont know.
 Q You saw her and would know the difference between a girl three
 years old and one ten years old wouldn't you? A Yes sir I might.
 Q You are in doubt about that are you? A Yes sir.
 Q How old was Emily when you saw her at Lawrence? A Little child
 Q How long did you live in Lawrence? A I dont know how many years,
 I staid there a good while.
 Q You dont know if it was one year or two years or 22 years? A I
 know it wasn't 22.
 Q Was it over two? A Yes sir I guess it was.
 Q How much over? A I dont know.
 Q Was you living there as much as five years? A I dont know if I
 did or not, I know I was there that is all I do know.
 Q Cant you give some idea—was you there as much as five years? A I
 dont know if I was there five years or over five years or under
 five years, I dont just exactly know the years or dates, I know I
 was there quite a while, I know I was there two or three years any-
 way.
 Q You can be safe in saying that it was over two years, two or three
 years? A Yes sir.
 Q You wouldn't swear positively that you were there as much as five
 years though? A No sir.
 Q You will swear positively that you were there as much as two or
 three years? A Yes sir for I know I was there that much.

Q Who did you live with there in Lawrence? A With my husband.
Q Who was he? A Harry Gunter. Q Is he living or dead? A Dead.
Q When did he die? A A year and six months ago.
Q Since you came here? A Yes sir.
Q You dont know what year it was when you went to Lawrence? A No sir
I dont know that, ~~knows~~
Q It was some time after you went up there before you saw this
Matilda? A Yes sir.
Q When you discovered her there how far was she living from you? A
Must have been 2 or 3 miles. she wasn't living right in town. she
lived kinda in the country.
Q You lived in town? A I lived on the north side of the river, the
river was betwixt us and town.

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This will be filed in the original application, that of John J. Rose,
C. F. D. 474 and also in Cherokee Freedmen doubtful cases, D-514;
D-515; D-516; D-517; D-518; D-511; D-520; D-521; D-477; D-804; D-882;
D-883 and R-132.

Chas. von Weise, being first duly sworn, states that as stenographer
to the Commission to the Five Civilized Tribes he reported in full
all the proceedings in the above cause and that the foregoing is a
full, true and correct transcript of his stenographic notes therein.

Subscribed and sworn to before me this the 24th of October, 1901.

Chas von Weise

C. A. McIntire

Commissioner.

to be filed with _____

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., October 28th, 1901.

SUPPLEMENTAL TESTIMONY in the matter of the application of Joe
Ross C.F.D. 350.

Appearances:

W.W.Hastings, for the Cherokee Nation.
Mallette & Smith for the applicants.

BY MR. HASTINGS: The Representatives of the Cherokee Nation ask that the testimony of Sam Webber, recalled, in the case of Jefferson Ross, and others, Freedmen D 972, be made a part of the record in this case.

COMMISSIONER: - It is further ordered that a set of all the testimony given by Sam Webber in Cherokee Freedmen Doubtful case 872, the same being the case of Jefferson Ross, be filed in the case Cherokee Freedmen D 350, of Joe Ross, and in Cherokee Freedmen D 498, of Chloa Grayson and in Cherokee Freedmen D 216, of Aaron Webber.

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Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I.T., June 26, 1901.

In the matter of the application of Jefferson Ross for the enrollment of himself and four children as Cherokee Freedmen.

Appearances:

Mallette & Smith, attorneys for applicants;
W.W.Hastings, counsel for Cherokee Nation.

Sam Webber, being duly sworn by Commissioner Needles, testified as follows:

Mr. Smith: What is your name? A Sam Webber.

Q How old are you? A About 58.

Q Where do you live? A I live about two miles west of here.

Q How long have you lived in the Cherokee Nation? A I was born and raised here, and after the war came back.

Q Do you know this applicant, Jefferson Ross? A Yes, sir.

Q Were you acquainted with him before the war? A No, sir, I wasn't acquainted with him before the war.

Q When did you first know him? A I got acquainted with him just after the war.

Q Where? A Here in the Nation.

Q About what part of the Nation? A He came to my house near Big Creek in the Nation.

Q What time? A Along in the spring of '67.

Q Do you know of your own knowledge when he first came back to the Territory after the war? A No, sir, I don't know of my own knowledge.

Q Do you know where he was living at the time he came to your house? A He had been working on Snow Creek he claimed and he was on his way hunting his sister.

Q Did you ever see him after you saw him that time? A I put him on the trail down to his sister's and I never saw him for quite a little bit from that; when I saw him he was there on Lightning Creek.

Q Did you see him then after that at his sister's? A I saw him then often and on for near about two years I guess.

Q Where? A There at Lightning Creek.

Q In the Cherokee Nation? A Yes, sir.
 Q Was he a married or a single man at that time? A He was a single man to my knowledge.
 Q Do you know where he is living now? A No, sir, I don't.
 Mr. Hastings: You saw him around here for about two years?
 A Yes, sir.
 Q Then how long was it till you saw him again, Sam? A I remember after that of seeing him on Big Creek again.
 Q How long after that? A Must have been six months or a year after that I met him again there.
 Q You know where he was married? A No, sir, I can't tell you.
 Q Was he married at that time? A If he was I didn't know it.
 Q Did you know his wife? A No, sir, I don't know his wife.
 Q Did you ever see his wife? A Not to know it was her.
 Q Has this man ever kept house to your knowing? A When I saw him he was to his sister's.
 Q What was her name? A Katie Thornton.
 Q You never saw him in a separate, independent house, keeping house with his family? A No, sir, never did.
 Q What is his occupation? A I can't tell you.
 Q Did you ever see him making a crop anywhere? A I never saw him farming, I have seen him working for people around here.
 Q He never made a crop to your knowledge? A No, sir, not to my knowledge.
 Q Has he got any special occupation like a carpenter? A Not as I know of.
 Q What is Katie Thornton's husband named? A Henry Thornton.
 Q Was that her husband at that time? A Yes, sir.
 Q With whom does this man stay now? A I don't know that.
 Q You never saw him anywhere except to his sister's? A That is all I have noticed him.
 Q Did he have any children when you saw him? A I never seen them if he did.
 Q You don't know where his family were, if he had any? A No, sir.

Sam Webber, re-called, testified as follows:

Mr. Hastings: Mr. Webber, when were you first married? A When I first married, I married just a short while after the war, I don't remember what year.
 Q Before you came down here? A After I came down here.
 Q Well, about how many years after you came down here? A It wasn't a year I guess after I came here.
 Q Well, you know what time of the year you were married? A I was married along in the winter.
 Q Was that the same winter you came, or the winter of '67? A It was along about, it throwed in '67, it was after Christmas.
 Q You mean in January of '67 or the last part of '67? A It was along after Christmas, I don't remember the date.
 Q What was your wife named? A My wife at that time was Rinda Martin.
 Q When did you commence keeping house? A I went in my house when I first came here.
 Q You and your wife keeping house separate and apart? A I was keeping house when I was single, I built me a little house, and was living in there.
 Q What time in the year did you and your wife move into that house? A We moved right in the house after we were married.
 Q And you don't remember when that was, what time of the year? A Along after Christmas; I was already in the house.

M. D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he made the foregoing copy and that the same is a true and complete copy of the original transcript.

(signed) M. D. Green.

Subscribed and sworn to before me this November 16, 1901.

(Signed) J. C. Starr,
Notary Public.

(SEAL)

I, A. R. Cheever, being duly sworn, state that as stenographer to the Commission to the Five Civilized Tribes, I made the foregoing copy and that the same is a true and complete copy of a certified copy of the original transcript.

A. R. Cheever

Sworn to and subscribed before me this 11th day of August, 1902.

Prue G. Jones
Notary Public.

Supl. C. D. #818. Freedmen.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 4, 1902.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of
EDWARD WRIGHT as a Cherokee Freedman, introduced on part of the
Cherokee Nation.

The Cherokee Nation by its representative makes satisfactory proof of service on E. B. Lawson, the attorney for the applicant in this case, that testimony would be introduced by the

representatives of the Cherokee Nation tending to disprove the right of said applicant, Edward Wright to citizenship in the Cherokee Nation at the offices of the Commission in Muskogee, Indian Territory, on the 3rd day of March, 1902, and from day to day thereafter until the same could be heard by the Commission during the usual business hours.

Cherokee Nation present by its representative, L. B. Bell.

C. V. Rogers, being duly sworn testified as follows on part of the Cherokee Nation.

MR. BELL:

- Q Tell him your name? A C. V. Rogers.
- Q Age? A 63 years old.
- Q Place of residence? A Claremore.
- Q Are you a citizen of the Cherokee Nation? A Yes, sir.
- Q How long have you been such? A All my life, little over 63 years.
- Q Did you go out of the country during the war? A Yes, sir.
- Q When did you return? A '66.
- Q Where did you come to? A Come to Fort Gibson.
- Q And stayed there did you? A Yes, sir.
- Q Well, what was your business? A After I come back?
- Q Yes? A I followed freighting for something over three years.
- Q Where and between what places? A Sedalia and Pleasant Hill and Kansas City to Fort Gibson.
- Q Were you ever acquainted with a Freedmen by the name of Moses Whitmire? A Yes, I know him.
- Q Where did he belong before the war? A He belonged in Going Snake District.
- Q Do you know what particular Whitmire he belonged?
- A I don't remember whether he belonged to George Whitmire or Lee Whitmire.
- Q If you did see him when did you first see Moses Whitmire after the war, after your return to the Cherokee Nation?
- A As well as I can remember it was in February, '68; I met him just on this side of the Neosho River, as they were moving back to this country from Kansas. There was between 24, from 24 to 28 wagons and I met them right on this side of the Neosho river; Dick Whitmire, Moses Whitmire and Aaron Whitmire and old Major Wright is all I know in the outfit.
- Q Did you have any conversation with them, stop and talk with them?
- A Yes, sir, and Col. Bill Ross passed while I was talking to them going to Fort Scott.
- Q Did you ask them where they was going to? A They said they was moving back.
- Q Well this 25 or more wagons was loaded with people?
- A Yes, mostly every one had household goods in them.
- Q Colony of Cherokee Freedmen? A Yes, sir, coming back to the Cherokee Nation.
- Q Well now that was; where you say it was? A It was right on this side of the Neosho river; between the old Hudson place and Neosho river.
- Q How far from the Neosho river? A I suppose half a mile.

Q How far from the north line of the Cherokee Nation?
 A I think the river is in the line, about a half mile.
 Q And how far is that from the Kansas line? A The Neosho river
 is the line, and I understand it.
 Q You had reference to where the military post crosses the Neosho
 river? A Yes, sir.
 Q At Jack Hobain's ferry? A They called it Hudson's Ferry at that
 time.
 Q Hudson lived there? A Yes, sir, is about a half mile.
 Q And this Moses Whitmire you met and talked with is the same one
 you know in going snake and belonged to the Whitmire family there?
 A Yes, sir.
 Q About how long was he when you met him? A He is an older man
 I think than I am.
 Q And you saw others with him you mean? A I think Aaron Whitmire
 and Moses Whitmire and old Major Wright is the old ones I know.
 Q And you talked with him there? A Oh, I guess I talked with him
 ten or fifteen minutes and while I was talking to him Sel. Ross passed
 going to Fort Scott.
 Q Do you know where this Sam Whitmire lives now, Moses Whitmire
 you met?
 A No, I don't know where he lives.

MR. HASTINGS, Cherokee Representative:

Q Don't you know he lives on Salt Creek near Hayden? A No,
 I don't know for certain I heard he lived on Big Creek. I don't know
 though where he lived. I have saw him ever since I have been here.
 I don't think I ever was at his house.

I hereby certify upon my official oath as stenographer of the
 Commission to the Five Civilized Tribes that I correctly recorded
 the testimony and proceedings had in this case on the above date,
 and that the foregoing is a true and complete transcript of my
 stenographic notes thereof.

(Signed) J. D. Ross.

Stenographer.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., February 24, 1902.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of
SAMUEL BECK as a Cherokee freedman; introduced on part of the
Cherokee Nation:

Appearances:

L. T. Brown, Vinita, I. T., Agent for Applicant;
J. S. Davenport, Cherokee representative.

L. B. BELL, being duly sworn, testified as follows on
part of the Cherokee Nation:

MR. DAVENPORT:

- Q What is your name? A L. B. Bell.
- Q Where do you live, Mr. Bell? A Vinita, Indian Territory.
- Q How long have you lived in and near Vinita? A Oh, since '67,
including most of '67.
- Q Was there any railroad running in or through Vinita when you
first moved into that community? A No, sir.
- Q When did the railroad first come through that country, Mr. Bell?
- A In 1871.
- Q You know this applicant, Sam Beck? A No, I don't know him.
- Q Don't know anything about him? A No, sir.
- Q Was you living in that country before the railroad started from
Kansas through the Indian Territory; that is, the M. K. & T.?
- A Well, I will tell you what I knew about the railroad; The rail-
road come through the country in 1870, and on the application of
the Cherokee Nation, a complaint to the Secretary of the Interior,
they stopped building and during the session after 1870 of the
National Council of the Cherokee Nation, they passed an Act there,
it is dated the 14th of December, 1870, authorizing the furnishing
of cross-ties to the railroad, and agreeing that the railroad could
go through. The secretary hadn't determined which had the right-of-
way. They had begun it in 1870 and the M. K. & T. got the right-of-
way, and then they authorized the selling of cross-ties, and I went
to Chetopa and made a contract with the Company for cross-ties
enough to build from the Kansas line to Pryor Creek and sublet it.
Mr. Martin was one I sublet to, that was in 1870 that contract
was made, I don't recollect the exact date. Well, just a few days
following that we began getting cross-ties and then worked on down
to the Creek Nation. That was the first railroad built in the
country and the first cross-ties was cut on the railroad in this
country.
- Q You don't know anything about the wife of Beck or anything about
them? A No, I don't.

C. D. MARKHAM, being duly sworn, testified as follows on
part of the Cherokee Nation:

MR. DAVENPORT:

- Q What is your name? A C. D. Markham.
- Q Where do you live? A At Tahlequah.
- Q How long have you lived in the Cherokee Nation?
- A I was born and raised here: never was out except during the war.

Q Where did you live before moving to Tahlequah? A Lived on Grand river east of Choteau about ten miles.

Q Do you know Samuel Beck, the applicant in this case, or his family? A No, sir.

Q Where were you living along the latter part of the sixties or early part of the seventies? A On the Grand river.

Q Do you know about the year the M. K. & T. railroad built from Chetopa, Kansas, down through the Territory? A It must have been the latter part of '71 or '2.

Q Had you any connection with it any way that makes you remember it? A Yes, sir, I had a contract on the road, beginning at Bryant's Lake, down this way.

Q And that was in what years it built down there? A The ties was put in there in the spring, latter part; it was in the spring of '71.

BY ATTORNEY BROWN:

Q You don't know the applicant, Mr. Markham? A No, sir, I don't.

Q You don't know to whom he belonged before the war or when he returned to the Cherokee Nation? A No, sir.

Commissioner: This testimony will also be filed in and made a part of the record in Cherokee freedman case No. D.391.

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J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(signed) J. O. Rosson.

Subscribed and sworn to before me this February 27, 1902.

(signed) E. B. Needles,
Commissioner.

I, A. R. Cheever, being duly sworn, state that as stenographer to the Commission to the Five Civilized Tribes, I correctly copied the original of this case, and that the foregoing is a correct copy thereof.

A R Cheever

Sworn to and subscribed before me this 7th day of August, 1902.

James B. Jones
Notary Public.

"R" .

File with Cherokee Freedmen D-

1917 Mary Blackburn et al.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., February 26, 1903.

SUPPLEMENTAL TESTIMONY ON BEHALF OF CHEROKEE NATION in the
matter of the application of EMILY NOLAN for enrollment as a Freed-
man of the Cherokee Nation, D-511.

Appearances:

Mr. Mellette, of Mellette & Smith, Vinita, I. T., at-
torneys for the applicants;

Mr. J.S. Davenport, of attorneys for the Cherokee Nation.

MARTHA PACK, being sworn and examined, testified as
follows:

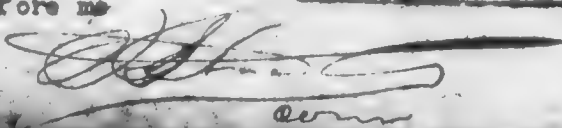
BY MR. DAVENPORT:

- Q What is your name? A Martha Pack.
- Q Where do you live? A Tahlequah.
- Q How long have you lived in Tahlequah? A About 15 years.
- Q Where did you live before you went to Tahlequah? A I lived in Saline District.
- Q Do you know a colored woman by the name of Emily Nolan now, that is, who goes by that name at present? A I know her, but I don't know her by that name.
- Q What name do you know her by? A I know her by Emily Rose.
- Q Where did you first get acquainted with her? A I got acquainted with her in Coffeyville, Kansas.
- Q How long ago was it that you got acquainted with her in Coffeyville, Kansas? A Well it has been about 25 years, if not longer.
- Q Where was she living at that time, if you know? A She was living in Coffeyville, Kansas.
- Q Did you have any conversation with her at that time, because quite well acquainted with her? A Yes sir, well acquainted with her.
- Q Did she tell you anything about where she had lived prior to moving to Coffeyville? A No, but they came from upper Kansas there.
- Q Came from somewhere else in Kansas? A Yes, up above.
- Q You know where she is living now, or about what locality? A I think she lives on Big Creek or somewhere up in there.
- Q In the Cherokee Nation? A Yes sir.
- Q Have you seen her since you saw her when she was living in Coffeyville, Kansas? A Oh yes sir, lots of times.
- Q How long did she live in Coffeyville, Kansas, to your knowledge after you got acquainted with her, or about how long? A Well about two years I guess, I think.
- Q You had never known her before the war had you? A No, never known her.
- Q She claims to have been a Dannenberg, I believe, you never know her until after she was living with John Rose? A She was living with John Rose.
- Q Was John Rose living with her after you got acquainted with her in Kansas? A Yes sir. They were all living together, her mother, Charley's Smith's wife.
- Q What was her mother's name? A Tildy Lacey.
- Q What was her sister's name? A Jane Smith.
- Q You know where Jane Smith is living now? A She lives on Hickory Creek.
- Q That is in the Cherokee Nation? A Yes sir.
- BY MR. MELLETTE:
- Q What you say your name is? A Martha Pack.
- Q How close is Coffeyville, Kansas to the line of the Cherokee Nation? A Why I don't know exactly how close the line is, it was 15 miles at the time where I lived to Coffeyville.
- Q Where did she live? A She lived in Coffeyville then.

Q How do you know she did? A I worked there in Coffeyville, and ~~some~~ was well acquainted with her.
Q For long did you work there? A Oh I worked there a year or two.
Q Which was it? A About a year I guess.
Q She there all the time while you were there? A Yes sir.
Q Where did they live? A They lived right in town.
Q Were they ever in the Cherokee Nation any? A No sir.
Q You say they never was over in the Cherokee Nation? A No, only when they went to church.
Q How do you know? A Because I lived near them, I lived right there near, I didn't live with them, I was working right there, and was there every day.
Q How close did you live? A About a hundred yards.
Q You watched them all that year did you? A No, I didn't watch them, I was well acquainted with them.
Q When were you first asked about this matter as to what you remembered about it? A Way I know about them?
Q Yes. A Last summer.
Q Then you remembered back 25 years? A Oh yes sir.
Q And remember everything that the Holens did 25 years ago? A No, I just know where they lived at, and was well acquainted with them.
Q You know they lived right there in Coffeyville? A Yes sir.
Q But you didn't watch them to know exactly where they went at different times? A Oh I know where they lived because I passed them.
Q Don't you know they were away from there months at a time? A No sir, they was not away from there while I was there; they might have went away after that. I know the time they come in the Cherokee Nation and made a crop.
Q When was that? A I don't remember the year exactly, but it was the year that the grass-hoppers were just thick in the farms, that was the year that Joe Rose and Charley Smith came to the Cherokee nation and made a crop.
Q What year was that? A I don't remember, I couldn't tell you that.
Q Hadn't they been farming down in the Cherokee Nation all the while? A No, that is the first year they went.
Q Where did they come from to Coffeyville? A They come from in above in Kansas.
Q For do you know? A They said they come from above there, I didn't know it.
Q How old are you? A I am about 43 or '4, along there.
Q Then how many years ago was it you saw these people in Coffeyville? A It has been about 25.
Q What makes you think it is 25 years? A Because my oldest child is 25 years old.
Q When was that child born? A I couldn't tell you what year that was, but she is 25.
Q Was she born while the Roses were living there in Coffeyville? A Yes sir.
Q How do you know that? A I know that.
Q You had a little baby to take care of didn't you? A ; No I come away from there, they had been living there quite a while.
BY COMMISSION: This testimony will be filed and made a part of the record in the following Cherokee Freedmen cases: D-477, D 514, D 515, D 516, D 517, D 518, D 520, D 521, and D 804.

M.D.Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me
this February 28, 1902.


M.D. Green

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., April 11, 1902.

In the matter of the application of Charles G. Smith et al
for enrollment as Cherokee Freedmen.

SUPPLEMENTAL TO D-514.

Applicants represented by Mellette & Smith, Vinita, I. T.
Cherokee Nation represented by W. W. Hastings and J. S.
Davenport.

The Cherokee Nation by its representatives makes satisfactory
proof of service on the applicants' attorneys, Mellette & Smith,
that it would on the 11th day of April, 1902, at the offices of the
Commission at Muskogee, Indian Territory, introduce testimony tend-
ing to disprove the right of the said Charles G. Smith et al to
enrollment as Cherokee Freedmen.

The applicants and their attorneys have this day, to wit the
11th day of April, 1902, been called and fail to respond either in
person or by attorney.

HATTIE DRAKE, being first duly sworn, testified as follows:

MR. HASTINGS: What is your name? A Hattie Drake.

Q What is your age, Mrs. Drake? A 48 my next birthday.

Q Where do you live? A Lawrence, Kansas, Douglas County.

Q How long have you been living in Lawrence, Kansas? A Well,
I was brought there when I was quite a little girl, and I lived
there until after I was married, and then I went away and lived ten
years, and then moved back to Lawrence and been there ever since, and
that's been about seventeen years.

Q Well, where were you living when the war closed? A I was
living in Lawrence, not in the city, in the country just a little
piece from town.

Q Well, did you move into town after that, after the close of the
war, immediately after the close of it? A No, sir.

Q You were living right in the edge of town? A Yes, sir,
you might say: I went to school in town.

Q Did you know a colored woman by the name of Matilda Hansenberg?
A I knowed a colored woman by the name of—knowed of her—by the
name of Matilda Colbert.

Q Well, did you know any of her children? A Yes, sir.

Q What were their names? A One was named Jane and one was named
Emily.

Q Did they have a brother there by the name of Jim? A Yes, sir,
there was a little boy they called him either Jim or James, it
seems to me they called him Jimmy.

Q Where did you know these girls? A I went to school with them
in North Lawrence.

Q Was that after the war closed? A Yes, sir, I am pretty
certain it was, I know where we lived when the war closed, and I
went from there to school.

Q It was after this time? A Yes, sir.

Q How long did you go to school with them? A Well I couldn't tell
just exactly how long, but I went to school two different times, I
won't say terms, because I never did go to school a whole term in
my life, but two different times I was at school with Jane and Emily;
I won't say that I went to school with the little boy, but I have
seen him, know him.

Q And you knew of their mother? A Yes, sir, I knew of their mother.

Q Did you know about where she lived in the town or city? A Well, I don't know as I was ever at her house, but my understanding was that she lived on Walnut Street in North Lawrence.

Q You know of her living there? A Heard of it, yes, sir, heard of her living there.

Q You went to school two different times with them? A Yes, sir.

Q Do you remember what years they were? A No, sir, I couldn't tell you.

Q Couldn't tell? A No, sir.

Q Do you know what become of these girls? A No, sir, I don't know what become of them, but I heard, I heard that they moved from Lawrence to Topeka, but I never did see them in Topeka.

Q Well do you know whether Emily was married there or not? A I didn't see her married, I heard that she was.

Q Where? A In Lawrence.

Q To whom? A A man by the name of— I heard her husband was named Rose, John, I believe, Rose.

Q You only heard of this like any other circumstance in the town? A Yes, sir, I didn't see them married and didn't know her husband.

Q Didn't know her husband? A No, sir.

Q Was Jane married when she left there? A If she was, I never heard of it.

Q You heard when they left there that they went to Topeka? A Yes, sir, what I heard; Never saw them in Topeka at all.

Q Never saw them? A No, sir.

COMMISSION: How old did you say you were? A I am 47 past, I will be 48 years old the first day of June.

Q Where do you live? A I live in Lawrence, Kansas, Douglas County.

Q When did you first begin to know the mother of these children that you are speaking of? A Well, I didn't know the mother so well, I have just heard of her, know of her.

Q When did you begin to know the children? A When I was going to school with them.

Q You don't know when that was? A I couldn't tell you what year, no, sir.

Q About how old were you, have you any idea? A Well, I was about 11 or 12, between 11 and 13 years old I will say; my mother didn't exactly know my age, but that's what she says that she was—

Q Sometime after the close of the war was it? A Yes, sir.

Q Well, now, how long did those people continue to reside in the same community where you were living? A After I got acquainted with them?

Q Yes. A Well, I couldn't tell you.

Q Were they living there when you came, or did they come afterwards? A I couldn't tell you that.

Q Haven't you any idea how long they continued to live there? A No, sir, I don't know how long they lived there.

Q Do you know when they came to your neighborhood? A No, sir, I lived kind of in the country, and the cause of my knowing these girls I went to school with them, I met them first, I can remember I met them at school.

Q That was after the close of the war was it? A Yes, sir.

Q Do you now where they came from? A No, sir.

Q How long did you continue to know them at that place? A Well I couldn't tell that exactly; I know I went to two different schools with Emily and Jane, and I couldn't tell you just how long, I was quite a little girl myself.

Q Did you ever miss them from that neighborhood during the time that you were there? A Yes, sir.

Q Do you know where they went to? A I don't know where they went to, I heard they went to Topeka.
Q You don't know then that they did go to Topeka? A No, sir, I never seen them there.
Q Have you seen them since they left that place? A No, sir.
Q Have you ever heard of any of them? A Yes, sir.
Q Where were they living when you heard about them? A I heard that they was living in Topeka.

JOHNATHAN JONES, being first duly sworn, testified as follows:

MR. DAVENPORT: What is your name? A Johnathan Jones.
Q Where do you live, Mr. Jones? A In Topeka, Kansas.
Q How long have you lived in Topeka? A Ever since '86, February '86.
Q You went there after the close of the war? A After the close of the war, I was mustered out—
Q What part of the city did you locate in when you first went there? A When I first went, just outside of the town, out on the prairie just outside of the town.
Q Well, after you went to Topeka, Kansas, did you get acquainted with a colored woman by the name of Tildy Dannenberg or Matilda? A Tildy Colbert she was called when I first got acquainted with her.
Q Well, do you know whether or not this Tildy Colbert as you knew her had any family? A Well, yes, sir, she had three children.
Q What were their names if you know? A There was Emma and Jane and Jim.
Q Was either of them married when you first got acquainted with them? A Well, yes, sir, Emma was married.
Q Do you know what her husband's name was? A John Rose.
Q Did you ever get acquainted with John Rose while they lived there? A Yes, sir.
Q Well, was Jane married or not? A Well, she married afterwards, after they went to Topeka.
Q Do you know to whom she was married? A Oh yes, sir.
Q What was her husband's name? A Charley Smith.
Q Now about that year, about how long had you been in Topeka before you got acquainted with Matilda Colbert? A Well, I suppose I had been there about two years before I got acquainted with them, I ain't positive, a year or two anyway, I can't say positively.
Q How far did you live from them when they first located? A Well, when I first got acquainted with them I lived—they lived on Jefferson and I lived down on—
Q Jefferson street you mean? A Yes, sir, on Jefferson street, and I lived down on Washington close to Crane.
Q Well, did they afterwards move? A Yes, sir, they moved and lived about, I suppose from here over to the building across the way. (Pointing across the street.)
Q What street did they live on then? A Crane street.
Q How far from you then did they live when they lived on Crane? A Well, about as far as from here over to that building across the street.
Q About how far would you estimate that? A They was about half their lot.
Q About half a block? A About half their lot, just the length of 150 feet their lot was you know, and they was a little over half way from me.
Q Well, now, did this woman Matilda Colbert as you knew her, marry any more while you knew her? A Well, I can't tell you whether she

married or not, but it strikes me that she did.

Q Now Mr. Jones, how long after you got acquainted with Matilda Colbert and her children did they continue to live in Topeka or near Topeka? A Well, I suppose they lived there about six years, somewhere about that, after I got acquainted with them five or six years as near as I can recollect.

Q Well now while the family lived there was you well acquainted with them? A Oh, I was, yes, sir.

Q About how often would you see them when they were living on Crane Street? A Every day.

Q Did they continue to make that their home? A Yes, sir, till they sold out to come down.

Q Do you know whether or not they owned their property there? A Yes, sir, she owned it.

Q Now this Jim you speak of, what name did he go by? A Jim Colbert.

Q And Jane had married Charley Smith while-- A She was Jane Colbert when they first went there.

Q And Emily had married? A Married John Rose when they first come.

Q Well, now, do you know where they said they came from when they came to Topeka; where did they say they came from? A Lawrence.

Q Lawrence, Kansas? A Yes, sir.

Q Well, now, about what year did they leave or move away from Topeka, Mr. Jones? A I suppose in '73 or '4, I ain't positive just which, but somewhere along there.

Q They came to Topeka about what year? A They came there I suppose, just my idea is as well as I can recollect, in '68 or '9, I couldn't say positively, but '68 or '9.

Q Went away from there about '73 or '4? A Yes, sir.

Q Somewhere along there? A Somewhere there in that neighborhood, right close about that.

COMMISSION: You didn't learn to know these people until about two years after you came to Topeka, Kansas? A Well, somewhere about that, I couldn't say positively just exactly what time, but then somewhere in the neighborhood of two years I got acquainted.

Q It was approximately two years after you came to Topeka when you first learned to know them? A Yes, sir.

Q You went to Topeka in '66? A In '66.

Q You didn't know where these people were in '66? A I don't.

Q Haven't any idea? A No, sir.

Q Well now how long did they continue to reside there at Topeka, Kansas; a out how long? A Well, I suppose they staid there some five or six years.

Do you know where they went to then? A Well, yes, sir, they came down to the Territory.

Q To the Cherokee Nation? A Yes, sir.

Q Haven't they resided in Topeka since that time? A No, sir, not that I know of.

MR. DAVENPORT: The Cherokee Nation offers in evidence a certified copy of a marriage license of Joseph Lacy, of Topeka, Kansas, to Matilda Dannenburg, of Topeka, Kansas, dated February 6, A. D. 1869; also marriage license of William Rose, of Topeka, Kansas, to Matilda Lacy, of Topeka, Kansas, dated April 5, 1873; said documents being as follows:

State of Kansas,)
County of Shawnee,) ss. Office of Probate Judge of said County.

Be it remembered, that on the sixth day of February, A. D. 1869, there was issued from the office of said Probate Judge, a Marriage License

same, of which the following is a true copy:

---:Marriage License:---

Shawnee County, State of Kansas, February 6,
A. D. 1869.

To Any Person Authorized by Law to Perform the Marriage Ceremony
Greeting:

You are hereby authorized to join in Marriage, Joseph Lacy of Topeka, aged 28 years and Matilda Beninburg, of Topeka, aged 30 and of this license you will make due return to my office within thirty days.

(Seal) Lewis Hanback, Probate Judge.

And which said Marriage License was afterwards, to wit: on the 25th day of February, A. D. 1869, returned to said Probate Judge, with the following certificate endorsed thereon, to wit:
State of Kansas, County of Shawnee, ss.-

I, Thos. Wilson, Clergyman do hereby certify, that in accordance with the authorization of the within license, I did on the 7th day of February, A. D. 1869, at Topeka, in said County, join and unite in Marriage the within named Joseph Lacy and Matilda Beninburg.

Witness my hand and seal this day and year above written.

Thos. Wilson.

Attest:

Lewis Hanback,
Probate Judge.

State of Kansas, }
County of Shawnee. } Office of Probate Judge of said County.

Be it remembered, That on the fifth day of April, A. D. 1873, there was issued from the office of said Probate Judge, a Marriage License, of which the following is a true copy:

---:Marriage License:---

Topeka, Shawnee County, State of Kansas,
April 5th, A. D. 1873.

To Any Person Authorized by Law to Perform the Marriage Ceremony
Greeting:

You are hereby authorized to join in Marriage, William Rose of Topeka, Kansas, aged 24 years and Matilda Lacey of Topeka, Kansas, aged 33 years and of this license you will make due return to my office within thirty days.

(Seal) D. C. Metaker, Probate Judge.

And which said Marriage License was afterwards, to wit: on the 30th day of April, 1873, returned to said Probate Judge with the following Certificate endorsed thereon, to wit:
State of Kansas, Shawnee County, ss.-

I, Rev. E. S. Corn, do hereby certify that in accordance with the authorization of the within license, I did on the sixth day of April, A. D. 1873, at Topeka, in said County, join and unite in Marriage the within named William Rose and Matilda Lacey.

Witness my hand and seal this day and year above written.

E. S. Corn.

Attest:

D. C. Metaker,
Probate Judge.

I, W. E. FAGAN, Judge and ex officio Clerk of the Probate Court within and for the County of Shawnee and State of Kansas, do hereby certify that the above and foregoing is a full, true and correct copy of the original marriage license issued by the Probate Judge of this

county to Joseph Lacy and Matilda Benning, the original marriage license issued by said Judge to William Rose and Matilda Lacy, and of the original returns endorsed on said licenses by the persons performing the marriage ceremony as the same appears on file and of record in my office.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Court, at my office in the City of Topeka, this 5th day of April, 1902.

(Seal)

W. E. Pagan, Probate Judge.

Also a certificate which is as follows:

Topeka, Kansas, April 2, 1902.

State of Kansas, } ss.
Shawnee County.

I, F. L. Stephens, Reg. of Deeds of above named county and state, do hereby certify that the records of this office show that one Matilda Lacy acquired title to lot No. 252 on Crane Street in Crane's Add. to Topeka, Kansas, from F. L. Crane, on the 2d day of June, 1871, and further show that she disposed of lot No. 252 on Crane Street in Crane's Add. to Topeka, Kansas, to one Letitia Freeman on the 18th day of June, 1874.

Witness my hand and seal of office this 2th day of April, A. D. 1902.

(Seal and stamp)

F. L. Stephens,
Reg. of Deeds Shawnee County, State of Kansas.

The representatives of the Cherokee Nation offer in evidence a certified copy of marriage license of John J. Rose, of Douglas County, Kansas, to Emma Pollard, Douglas County, Kansas, dated June 28, 1867.

COMMISSION: This testimony will be filed with and made a part of the record in the following Cherokee Freedmen cases: D-474, D-511, D-520, D-518, D-521, D-504, D-477, D-516, D-517, D-515, D-582, D-583, and in the case at bar, D-514.

Arthur G. Greninger, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the testimony and proceedings in the above case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 14th day of April, 1902.

Arthur G. Greninger
Notary Public.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., April 23, 1902.

In the matter of the application of ~~James S. Davenport~~ et al for enrollment as Cherokee Freedmen, P. H. 175.

Applicants represented by A. J. McKee, Muskogee, I.T.
Cherokee Nation represented by James S. Davenport.

COMMISSION: The representative of the Cherokee Nation makes satisfactory proof of service that testimony would be introduced in behalf of the Cherokee Nation on the 22nd day of April, 1902, at the office of the Commission at Muskogee, Indian Territory.

ELIZABETH DRUM, being first duly sworn, testified as follows:

MR. DAVENPORT: What is your name? A Elizabeth Drum.

Q Where do you live, Mrs. Drum? A I live near Illinois Station, Cherokee Nation? A In Illinois District, yes, sir.

Q How old are you? A I couldn't tell you just exactly my age, I don't know; I'm over 70 though.

Q Was you born and raised in the Cherokee Nation? A Yes, sir.

Q Near what place were you raised? A I was born back in the old country.

Q Did you know Ocie Brown during his lifetime who was a Cherokee man? A Yes, sir, I knew Ocie Brown.

Q Do you know whether or not he was living when the Civil War broke out? A He wasn't living, he was dead.

Q Where had he been making his home prior to his death, Mrs. Drum? A Well, he made his home in Canadian and in the Choctaw Nation.

Q Choctaw Nation? A Yes, sir.

Q Did you know his son Richard Brown? A Yes, sir.

Q Was he living or was he dead at the breaking out of the war? A He was killed.

Q Where was he at the time he was killed, if you know? A He was in the Choctaw Nation somewhere.

Q Did he have a home down there at that time? A Yes, sir, I think so; he married over there.

Q Had married a Choctaw? A Yes, sir, married a Choctaw.

MR. McKEE: I understood you to say, Mrs. Drum, that Mr. Richard Brown was a native Cherokee Indian, wasn't he? A He was Cherokee, yes, sir, he was Cherokee.

Q And he was only an adopted citizen if he was a citizen at all of the Choctaw Nation, he was adopted? A I don't know; he was married over there.

Q Well, do you know-- A I don't know but what he was part Choctaw himself, I don't know about that; he was Ocie's son, I know that; but I don't know his mother.

Q Well now what was Mr. Ocie Brown's nationality, what was his blood? A Cherokee.

Q Then his son Richard would be Cherokee also would he not? A Yes, sir.

Q Did Mr. Richard Brown ever live in the Cherokee Nation, Mrs. Drum? A I don't know; I don't know; I don't believe his son ever did.

Q Did you know any of the slaves belonging to the estate of Ocie Brown? A No, sir.

Q Wasn't acquainted with any of the slaves? A No, sir.

Q Did you know the mother of Richard Brown? A No, sir, I didn't know her.

Q Did Ocile Brown or his son ever live in the Cherokee Nation, Indian Territory? A Yes, sir, a long time ago.

Q When did he die? A Ocile Brown.

Q Yes. A Well, along about four or five years before the war.

Q I say where did he die? A Over the line I think in the Choctaw Nation somewhere.

Q Now I understood you to say a while ago that he lived, Richard Brown lived part of the time in the Cherokee Nation and part of the time in the Choctaw Nation? A I said maybe when he was a child he might have been in the Nation here.

Q That is Richard Brown? A Yes, sir, Ocile's son. I know he lived in the Choctaw Nation all his life pretty near ever since he got grown man.

Q Did he have any slaves, Richard? A I don't know, I guess they did, a few, two or three.

LEWIS T. BROWN: Did Ocile Brown own any slaves? A Well, I said I guess he did.

Q You don't know any of their names, do you? A No, sir. I don't remember the darkies' names, I know Mr. Brown's son.

Q Was Ocile Brown's wife a citizen of the Choctaw Nation at the beginning of the war? A Ocile Brown's.

Q Yes. A She was a Cherokee lady.

Q Was Ocile Brown's citizenship Choctaw? A Well, I don't know; he lived over there.

Q Well, Richard Brown's wife was a Choctaw, wasn't she? A Yes, sir.

MR. McREA: Well you just stated that Ocile Brown's wife was a Cherokee, the mother of Richard Brown, she was a Cherokee? A She wasn't his mother.

Q She wasn't the mother of Richard Brown? A No, sir, Betsy just had one child, a boy, and he's dead now I guess.

Q Well, did you know the mother of Richard Brown? A I told you I didn't know her.

COMMISSION: This testimony will be filed with and made a part of the record in the following Cherokee Freedmen cases: D-511, D-518, D-520, D-521, D-504, D-547, D-514, D-516, D-517, D-515, D-49, and D-175, being the case at bar.

Arthur G. Croninger, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the testimony and proceedings in the above case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 25th day of April, 1902.

Arthur G. Croninger

J. J. Renteria
Notary Public.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., May 20, 1902.

In the matter of the application Edward Wright for the enrollment of himself as a Cherokee Freedmen.

APPEARANCES:

Ben J. Scoville, representing E. B. Lawson, for applicant.
W. F. Hastings, for Cherokee Nation.

COMMISSION: The Cherokee Nation, by its representative, makes satisfactory proof of service on the applicant's attorney that it would, on the 30th day of May, 1902, introduce testimony tending to disprove the right of the said Edward Wright to enrollment as a Cherokee Freedmen. The applicant this day appears by his attorney, E. B. Lawson, who is represented by Ben J. Scoville, Nowata, Indian Territory.

MR. HASTINGS: The Cherokee Nation offers in evidence a decision of the Chambers Commission on Citizenship as found on page 55 of a book taken from the records of the Executive Department of the Cherokee Nation, entitled, "Docket of the Chambers Com'n on Citizenship," as follows

No. 85 Edward Wright
vs
Cherokee Nation.

(Ex. 7th of June.
(Answer filed.

Judgment against claimant June 27, 1879."

The Cherokee Nation also offers in evidence from the same record as above, page 57 of the same, the following:

No. 89. Major Wright
vs
Cherokee Nation.

(Ex. June 7th. Statement filed
on 26th of June.
1st July set, 1st Aug.
set for trial.

Judgment against claimant set for trial. June 27, 1879.

The Cherokee Nation offers in evidence the application made for citizenship in the Cherokee Nation by Lewis Whitmire on the 26th day of June, 1878, as found on pages 164 and 5 of book B, entitled, "Citizenship record 1874," as follows:

"Before the Commission sitting at Tahlequah to try claims to Cherokee citizenship.

The undersigned claimant in the case of
Lewis Whitmire
v8

Cherokee Nation
respectfully presents the following statement of his claim according
to the requirement of the Commission.
Claimant claims under

Claimant claims under classification five of claimants in the law creating this Commission, that is, as a colored person formerly a slave owned by a citizen and resident of the Nation at the

beginning of the late war, freed by law and made a citizen of this Nation by provision of the treaty of 1866. For

Claimant was at the time and place above said owned by George Whitmire, a Cherokee citizen, left the country during the war and returned in the summer of 1866 to select and prepare a home for his family (they being then without one) and again the following year prosecuting the work as his circumstances and the condition of the country at that time prevented and leaving his family in the intervals of time when they could subsist without discomfort and exposure and until a removal of them was practicable which removal of claimants finally was accomplished to the point of the Nation settled by claimants for theirs and his home in the spring of 1867.

Claimants rights have been called in question by competent authority, and he therefore presents them to the important examination of this Commission as are authorized so to do by law.

This June 26, 1878.

Lewis Whitmire,

By W. P. Boudinot, Atty."

The Cherokee Nation offers the following from the same book and continuing on the same page, the application of Moses Whitmire as follows:

"Before the Honorable Commission sitting at Tahlequah to try rights to Cherokee citizenship:

In case of Moses Whitmire

vs

Cherokee Nation,

claiming Cherokee citizenship.

Claimant claims under the fifth specification of the classes of claimants to citizenship as found in the law creating this Commission, to wit as a colored person formerly a slave owned by one George Whitmire, Cherokee citizen, resident of this Nation, at the beginning of the late war, and freed by law and made a citizen by provision of the treaty of 1866. Claimant respectfully refers to the statement by claimant Lewis Whitmire embracing the facts which the present claimant would submit to the Commission as the grounds of his claim.

Respectfully submitted,

Moses Whitmire.

June 26, 1878.

By W. P. Boudinot, Atty."

The Cherokee Nation offers in evidence from a book taken from the Executive Department of the Cherokee Nation entitled "Register of evidence before court of Commission Chambers Court, Book A," page 239, case No. 60, as follows:

"Case 60.

Aaron Whitmire,)

vs

Cherokee Nation.)

Tahlequah,

July 3, 1878.

Nike Field a witness for claimant called and sworn.

I am I think I am about 47 years old. I live in Illinois District, C. N. Am a citizen of the Nation. I have been on the doubtful roll but had my rights proven up before the Supreme Court.

Abe citizen under the treaty of 1866. I went north to the state of Kansas in '62. I returned in August - 21st or 22nd, 1866. I left my family in Fort Scott when I came. I came down to get me a claim. I staid about three weeks that time, and then returned to Fort Scott. After I returned to Fort Scott there were others who started down, the Whitmires were of that number. The claimant was one of them. They come down along in Decr. 1866. They returned to Fort Scott before I left there. I left Kansas about the 2nd week in January 1867 and got to the crossing of the Ne-ne river about the last of January. When I first come down there was about 16 in the party. They left their families in Kansas when they came down here. There was some of party come with the Whitmires who piloted the Whitmire party and my party were Sam Webber, Mike Daniels, Sam Webber, Jr., Aaron Webber, Reubin Sanders, Tuck Sanders.

The Whitmire party proper were Aaron, Lewis, Hose, Dennis and Nelson Whitmire and others that I do not recollect. The object of this part coming was for the purpose of erecting homes. When I moved with my family I stopped on Pryors Creek at Mrs. Alberty's and remained about two weeks. The reason we left that part of the country was because that part of the country was too sparsely settled and bare of subsistence. As I was coming down the first time we were overtaken by the Cherokee Delegation. They were some who come here were authorized by others to locate claims for them, one was by McKoy requesting Abe Fields to locate for him. The original request filed.

Cross Examined.

I can not remember the date I arrived here the first time from Kansas. The claim we made I got three sets of house logs, hauled them and piled them up, and some of the men put up houses. I did not put up a house. I started back to Kansas about the middle of September. When I first left the country it was in February, 1862. I was a slave before the war and was owned by Sam Taylor when the war broke out. He was living on Greenleaf near Bushy Mountain on this side Arks. River. When the Whitmires returned to Fort Scott I do not know when they left there to come to this country as I left them there when I left. It was reported when they returned to the Nation that the Whitmire party had built houses. But I do not know this myself as I was not along. I only heard they had. The war closed in 1865 I think. I did not know it myself but people told me who could read.

I do not know myself that it was the month of Aug. When I come here first, but I was told it was that time.

Re Direct.

I was the December following the time I first came down that the Whitmires came down first to select and improve claims.

Nick x Fields
his mk.

| | | |
|-------------------|---|--|
| Aaron Whitmire |) | |
| vs |) | August 1, 1878. |
| Cherokee Nation. |) | Bluford Alberty, witness for claimant. |
| called and sworn. |) | |

I reside in Cooweescoowee District, C. N. I am a native Cherokee citizen. I left the Nation during the war. I returned to the Nation on the west side of Grand River, Cooweescoowee District,

on the 3rd of Sept. 1866. I had occasion some time in the last of October or the first of Nov. or probably it might have been as late as the middle of November, to go to the Verdigris. While out there I fell in with a party of seven or eight persons who were camped with others near Sam Crouches. I did not go to the camp. They were colored people. I knew most all of them. Their names were old Sam Webber, Aaron Whitmire and a younger brother and Lewis Whitmire.

There was another person whom I was told was a Landrum. I do not recollect any of the others and cannot identify them. The Whitmires were Johnson and George Whitmire. Aaron Lewis and his mother belonged to George. In conversation with Sam Webber he asked me if I knew anything about the treaty and if Jim McDaniel had got home. I told him I had not seen the treaty but had heard rumors about it. He told me they had come to pick themselves homes or make claims and that he was the leader of the company and the reason why Major Wright did not come was that he was an old man, but that he had sent his son down to work for him and make him a claim. He then asked what chance there was to get provisions over on the river. I told him there was none there, but that there was a lot of condemned flour at Gibson and if they would go there they would get some. He also represented that they had come down to make claims for others, who had remained in Kansas, to build them houses &c. They also stated that they were notified to come, and that they had accordingly come to make claims for themselves and the other that they left behind in Kansas. As near as I can recollect it was some time in October or November that I saw these parties. It was not very cold weather at the time. I recollect as I camped out at night. Did not see any of these parties after this time May 1867. There was no provisions to be had in this country at that time. Provisions were very scarce. It was my understanding that they had come to prepare homes for themselves and families. They told me so at least. Major Wright belonged to Cornelius Wright before the war.

Cross Examined.

I heard after this some of them went back to Kansas. At the time I meet them I do not know whether their families were with them. I think I seen Dennis Whitmire with this party, but am not certain of seeing Dennis or Nelson. I know there was four of the Whitmire boys. They were owned in the Nation and resided here up to the breaking out of the war.

B. W. Alberty.

Aaron Whitmire

vs

Cherokee Nation.

I know Melissa Ratliff. She was twelve or thirteen years old at the close of the war.

She was living with me then and still lives in my family. Jack Landrum was one of the band above referred to, also Ransom Daniels. I learned from our leaders Uncle Mike and Sam Webber that the Cherokee delegates advised us to settle in a compact body on unoccupied lands. We crossed the Neosho in coming down at McLane's Ferry in 1868. The chief ferryman who crossed us was Bill Martin.

While on Lightning Creek in 1866 I saw Mr. Alberty but had no conversation with him, but Sam Webber had in my presence.

Cross Examined.

I am a claimant before this court for citizenship. I am a half-brother of Aaron Whitmire, Louis, Dennis and Nelson are also my brothers. Mariah Whitmire is my sister. Major Wright is my stepfather. The names of the party that came with me to the Nation are as follows: Mike Sanders, Sam Webber, Peter Meigs, Bill, Foreman, Tuck Sanders, Ransom Daniels, Sam Webber, Jr., Louis Whitmire, Nelson Whitmire, Dennis Whitmire, Aaron Whitmire, is all I can recollect now. Witness and my brothers were authorized to make claims for others still back in Kansas. Dennis made a claim for Major Wright. I can't name any others. Witness was a man of family in 1866 when we came on from Kansas. My family was at Fort Scott. Melissa Ratliff, Ed Wright, and my wife and myself composed my family. Louis had no family. Aaron and Nelson did. Major, Han, Nelson and Allen were Aaron's children and his wife, Sarah. They were left, the wife and children in Fort Scott when we came in 1866. Eliza Sanders, Thos. Sanders were Nelson's family and back at Fort Scott. We went back 1st January 1866 to Kansas after coming to the Nation. Then witness returned in 1867 to the Nation Aaron, Louis, Nelson, Dennis, Ransom Daniels, Tuck Sanders, Peter Meigs and the families of those who had families all come as I did besides other not particularly remembered. This was the first time any of our families had been to the Nation, at least mine, Aaron's and Nelson's.

The first time Mariah Whitmire was in the Nation after the war closed was after our parties returned in families in 1867.

The first time Major Wright returned was on our first trip in 1867. Melissa Ratliff was owned by one Alec Ratliff at breaking out of war. She first came in March 1867. Jack Landrum was along in 1866. He was a slave at the beginning of the war. I was present during the examination of Mr. Alberty as a witness in this case.

Re Direct.

Mariah's family at the close of the war was a separate family. Harry, Whitmire, her son, represented his mother on the first trip in 1866. Witness is about 53 yrs. old. Major Wright was an old man at the close of the war. Louis Whitmire had been back to the Nation before 1866.

Attest

D. L. Nicholson,
Clerk.

his
Mose Whitmire.
mark.

Case 63.

Aaron Whitmire & family
vs
Cherokee Nation.

Claiming citizenship.

Now comes claimant by Atty before the Commission sitting at Tahlequah to try certain claims for citizenship in the Cherokee Nation and makes this his statement of his grounds for said claim to wit-

Claimant is a colored person and claims as aforesaid under privilege of the fifth specification of the classes of claims preferred by law to the Commission to examine and decide rights by competent authority having been denice citizens.

Claimant belonged to Geo. Whitmire a Cherokee citizen at the commencement of the war of the rebellion and was then living in this

Nation. After the beginning of said war claimant moved to or the vicinity of Fort Scott with his family at which location he resided until the summer of 1866 when he returned to this Nation and proceeded to select and improve a home on the Verdigris River for himself and family's permanent residence. While he was thus making preparations for the removal of his family by providing for their habitation and subsistence at the place mentioned they his family remained where they had been sojourning during the war.

Claimant was compelled by unfavorable circumstances and the attention he was obliged to bestow upon his family to remit his work upon his improvement on Verdigris River from the early fall of 1866 to the early winter of the same year, when he resumed labor upon his improvement, after which he removed his family as soon as practicable to wit in the spring of the year of 1867.

Claimant claims to have returned to this Nation in his own person and as representative of his family within the time provided for by treaty, in that having no residence to come to as other former citizens he did everything possible to constitute a return consistent with the duty he owed to his family by laboring as far as his means allowed to provide a home in this Nation.

Respectfully submitted,

Aaron Whitnire,

By Atty Gen. P. Boudinot.

Aaron Whitnire

vs

Cherokee Nation.

August 1st, 1878.

Mr. Martin, witness for claimant, called and sworn.

I live on Big Creek, Coovescoowee, U. N. Am a citizen of the Nation. From August up to Christmas 1866 I was at the ferry on the Verdigris River on the old military road leading from Fort Scott, Kansas to Fort Gibson, P. N. Am acquainted with claimant and his brother, Lewis, never knew Aaron until I meet him at the river. Lewis I knew prior to that time. While I was in charge of the ferry I recollect having met claimant and Mose, Lewis, Dennis and Nelson, Whitnire, Peter Meigs, Mike Sanders, Sam Webber, and Young Sam, Will Foreman and others but I do not recollect anything about them. They were traveling. They stated they were coming from Fort Scott, Kansas, they were traveling from the direction of Fort Scott. I crossed them from the Shawnee side of the River into the Cherokee Nation, they inquired the road to Big Creek. Nelson gave them the directions to the head of Big Creek. They stated the reason why they were coming was that the Cherokee Delegation had invited them to come back under the treaty. They mentioned Jim McDonald as the principal one who had invited them and they were then on their way to select themselves homes.

It was after the Delegation returned that I met claimant and the others spoken of it was pretty cold weather when I crossed them. It was as near as I can recollect about the last of October, 1866. I am positive it was before Christmas at I left them at Christmas or probably a few days before Christmas.

Cross Examined.

I was not acquainted with the claimant nor any of the others named previous to the war.

I do not know who came before the war. I do not know whether they had lived in the Nation previous to the war. I do not recollect of seeing any of the families of the parties named at the time,

I crossed them over the river. I set some of this same party back over the river a short time after they had come in; Lewis, Nelson and Dennis Whitmire and little Sam Webber and I think they were some of the parties from conversation with them, but did not become particularly acquainted with their names at that time. I think there was one woman with the party. I think she was little Sam Webber though I would not be right positive that there was a woman along or not. I was positive there was no children as I never seen any. They had camped there long enough that were they any women and children I would have known it. The next time I saw claimant was in the fall of 1867 on Big Creek. I learned from them that they had got there in March 1867. I know this from having heard it generally talked amongst themselves.

Re Direct.

At the present time the distance between our two settlements is about 5 miles. I recognize the claimant and the other parties spoken of. I have been there frequently since that time. I got them over the river. When I saw them in the fall of 1867 they had their families with them then. The means of subsistence at the time I crossed in the country at that time was short.

William Martin.

Aaron Whitmire
vs
Cherokee Nation.

July 4th 1873.

Wm. McCracken for Claimant.

Witness met claimant near Fort Gibson in Novr. or Decr. 1866. Met him at the ferryboat on Grand River.

Witness had a conversation with claimant at the ferry in which claimant said he was on his way to going Snake his former home in the Nation and seven of claimant's brothers were behind on the road. Witness is a citizen of this Nation and knew claimant before the war.

Attest:

D. L. Nicholson, Clerk.

Wm. McCracken.

Aaron Whitmire
vs
Cherokee Nation.

Bluford Alberty.

George Whitmire before the war lived in Going Snake Dist. This Dist. borders on the line of the state of Arks.

Claimant now resides near the western line of the Cherokee Nation. The settlement before the war was sparse where claimant now resides. I would say the distance from where George Whitmire resided prior to the war, and claimant's present residence is 80 or 100 miles. Witness states that he had a conversation with Sam Webber in which Webber assigned as a reason for settling where he had was that Agent Jones advised the colored people after their freedom to settle in colonies or as thickly as it was convenient to do in an unoccupied part of the country.

This was thought best for the colored man as they could have their own schools &c until matters were more regulated in the country. The first conversation was in the fall of 1866. The second conversation was in the spring of 1867. I saw several of their families in May, 1867 on Big Creek or Lightning Creek in the Nation.

The home of Claimant is in the same locality as that at the time mentioned above. In Oct. or Nov. 1866 I gave Claimant and other colored men permission to occupy two old fields in that neighborhood for the purpose of raising crops the year following. Louis Whitmire is the name of the other man, I also permitted to go on the old field. The Spring of 1867 I saw Aaron and Louis Whitmire at work on the two fields spoken of. This settlement of colored folk has the character of quiet industrious and law abiding citizens as such as any in the Nation. Some of these people have large and good farms all made by themselves since the war.

Witness with a party of six gentlemen in the fall of 1866 saw this colored party who settled on Big Creek afterwards in the neighborhood for the purpose as they said of selecting their homes. Several claims were then in sight of witness which the colored party said they had selected and are now the homes of the party above indicated.

Agent Jones was at the time advising said Col party. A Delegation for the Cherokee Nation at Washington. There were parties who witness learned from one of them who wished to expel or drive off from their claims this colored party at the time they were prospecting the country. This was advised against by witness and it was not done or carried out. Witness' party spoken of above was composed of Cherokee citizens except one colored man. I am the sole survivor of this party except the colored man and possibly one other. Occupation of witness is herding wild cattle. I travelled a good deal in that neighborhood at that time spoken of.

"Continued on page 223."

Aaron Whitmire et al

vs

Cherokee Nation.

July 16th 1878.

John Riley,

Govern as witness for Deft. I live in

Cookesbacon Dist. I first moved there in 1852 and have continued to reside there except in time of war. I came back in the month of August 1866 to the Nation. I knew Aaron Whitmire. He returned or came to the Verdigris River to live in the month of March 1867. Also came at the same time Pet & Maise, Mike Sanders, Sam Webber, Billy Foreman, with their families and others whom I don't recollect. Claimant made a crop that spring in 1867 on an old place of Aaron Whitmire. He had settled no other place before that.

Cross Examined.

I don't know of any colored heads of families coming in to the Nation in the month of Decr. 1866 to locate homes but I know of some who came in Sept. '66 for that purpose. I knew where Aaron Whitmire lived at this time. I was near Coody's Bluff in Decr. 1866. I live on the west side of the river. Claimant lives and settled on the east side of the river. If any heads of families came in Decr. 1866 I never heard of them. I never knew of Bluford Abbott being in the part of the country in 1866 in the party who came down in Sept. 1866. Aaron Whitmire was not along but Mike Sanders, Sam Webber, Gilbert & perhaps Billy Foreman. Moses was not along. Dennis was not along as I know of nor Mariah nor Major Wright nor Nelson Whitmire that I know of. If any such party had come down in Decr. 1866 I think certainly I would have known it.

Joseph Riley.

Randolph Riley.

(page 223)

About the middle of May 1867 I first saw this party with their families at their new homes. Olmstead and others of this colored party told witness that they returned in March 1867 to the Nation.

Ed Direct

I learned from John Jones that most of this colored party returned to Kansas after their families and a few remained. I was at General Convention of the Colored People in 1866. It was witness' understanding that the purpose of said convention was to ratify the treaty of 1866. I think the object of the convention was to ratify amendments to the constitution under the treaty and to ratify the treaty. The treaty was concluded the 6th of Aug. 1866 in my information. It might have been July 12, 1866.

Witness went south during the war. J. B. Jones was not at the time herein mentioned U. S. Agent but was a Delegate and was Agent afterwards.

B. F. Liberty.

Attest

D. L. Nicholson,
Clerk.

Aaron Whitwire

vs

Cherokee Nation.

Tableau Aug 10, 1878.

This day comes John F. Lyons Atty for Cherokee Nation and denies all and singular the allegations of complaint contained in the above named case.

John F. Lyons,
Atty for C. N.

Arthur G. Croninger, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the proceedings in the above case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) Arthur G. Croninger.

Subscribed and sworn to before me this 2nd day of June, 1902.

(SEAL)

(Signed) P. G. Reuter.

Notary Public.

I, Arthur G. Evans, a stenographer to the Commission to the Five Civilized Tribes, on oath, state that the above and foregoing is a true and complete copy of the original now on file with the Commission, and the same was copied by me.

Subscribed and sworn to before me this 15th day of Aug., 1902.

Prima Jones
Notary Public.

To be filed with F. R. 517.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, T. C., May 13, 1902.

In the matter of the application of Elizabeth Selig for the enrollment of herself as a Cherokee Freedman.

Cherokee Nation appears by T. F. Hastings.
Applicant appears by L. T. Brown.

MRS. LYDIA BARTON, being first duly sworn, testified as follows:

Q. MR. HASTINGS: That is your name? A. Yes, Lydia Barton.
Q. What is your postoffice? A. Fort Scott, Kansas.
Q. Do you hold any official position at the present time? A. Yes, sir.
Q. What is it? A. County Clerk.
Q. Of the county in which Fort Scott is located? A. Yes, sir.
Q. Have you an official paper? A. Yes, sir.
Q. What is it? A. Our official paper at the present time is the Republican, but that changes you know from time to time.
Q. Do you know what your official paper was in December, 1866, and up to and including March of 1867? A. Yes, sir.
Q. What was it? A. The Fort Scott Monitor.
Q. Are you required to keep files of this paper in your office? A. We are.
Q. Have you a file of the official paper including December, 22, 1866? up to and including March of 1867? A. Yes, sir. (Here presents files.)

MR. HASTINGS: The Cherokee Nation offers in evidence the account found in the Fort Scott Monitor of date Wednesday, December, 26, 1866, found on the second column of the editorial page, headed "Another Murder."

MR. BROWN: Comes not the agent for the applicant and objects to the introduction of these newspaper accounts for the reason that they are incompetent, irrelevant and immaterial, and purely hearsay.

COMMISSIONER: The objection will be noted and the newspaper accounts introduced in evidence and considered for what they are worth.

"Another Murder."

Shooting of Dr. Hayford.

Testimony given before the coroner.

On Saturday night, the 23rd inst., after dark, Mr. Dyer Hayford of this city was found murdered. A colored man, named Bill Mackey, has been arrested, and is in jail, charged with the crime. There would not seem to be much, if any, doubt of his guilt. Mr. Hayford, has been a resident of Fort Scott for several years, has kept a grocery and provision store on the corner of Williams and Bigler Streets, and was a very quiet and unassuming man. The facts of his murder as we learn them, are these:

On Saturday, about dark, the sack of flour which Mr. Hayford had placed on a box, outside the door of his store, was stolen. Being missed almost immediately, and learning that Mackey had taken it, and was then on his way home with it, (Mackey resides near Fort Scott mills,) Mr. Hayford jumped on a horse and started towards the mill. He had not been gone more than twenty or thirty minutes before several shots were fired, on the road between the city and the mill, where Mr. Hayford was found on the ground, in the last agonies of death. He had received four shots from a weapon, evidently a revolver.

suspicion was at once directed to Mackey and he was arrested. As the news spread through the city, the excitement and the indignation was great, and many threats of lynching Mackey were made; but wiser and better counsels prevailed, and there was no disturbance.

On Sunday, Justice Harrage was called on to hold a coroner's inquest. A jury was empanelled, consisting of Messrs. C. E. Drake, Joseph Ray, Frank Clough, Porter Williams, Jos. Prudden, and B. L. Phillips. The body of Mr. Hayford having been removed to his late residence, the jury proceeded to inquire into the cause of his death. We give the principal part of the testimony given before the jury.

Dr. J. S. Redfield and H. P. Hayler made a post-mortem examination, and testified that they found four pistol or gun-shot wounds on the body and face of Dyer Hayford, then lying dead before them. One shot entered the region of the stomach which came out over the liver, in the side of the back. This wound bears testimony that the pistol was held close to the body when discharged. Two other wounds found on the body were about two inches above the last nipple and about an inch and a half apart - one ball passing through, coming out below the left shoulder, the other ranging downward, and was found close to the spinal column, a few inches below the lower ribs on the left side of the body. The fourth ball entered the upper part of the chin, not fracturing the bone, and lodged in the right shoulder, (evidently fired, we think, after he was on the ground.) The surgeons testified that any of the three wounds found on his body would have been mortal.

Alonso Durkin, (colored) sworn - Was at Hayford's Saturday evening, just after six o'clock, came on horseback, left his horse at the door, went in and found Hayford alone and going toward the door; Eli Mackey, colored, was standing on the walk when I went into Hayford's; a sack of flour was standing on the box at the door when I went in; Hayford came out and the flour was gone; he asked me who was there when I came in, and I told him; asked me to get on my horse and follow Mackey and see if he had the flour; did so; rode very fast and overtook Mackey at the mill, going toward the mill; he had stopped and the sack of flour was on the ground beside him; his coat was off and thrown over the flour but the end of the sack was in sight; I rode close to him; he put his hands up to his sides and was blowing right and left; I inquired if he had seen a steer with a rope on his neck; he said no; I rode back toward Hayford's and told him Mackey had the flour and where it was; Hayford said he would go and get the flour, and asked me for my pony; he got on and rode down the road; he had been gone a good while before I heard the firing; he had been gone long enough to ride to the mill and back to the place where he was shot, before I heard the firing; then I saw Mackey at Hayford's; he had on a soldier's coat; it was off when I found him with the flour. Didn't notice that at any time whether Mackey had any arms or weapons with him; saw him again after he was arrested, a short time after Hayford was killed; he then had a different coat. He asked what he was arrested for; he was told, for stealing flour; he asked who had sworn him with the flour; he was then told he had shot Hayford, and he said he had nothing to shoot with. I know that he generally carried a revolver; when I saw him with the flour I didn't notice whether he had one or not. When Hayford started from the store, he said he would go and get Mr. Myers to go with him to get the flour; from the place where I saw Mackey with the flour to that where Hayford was shot, is about one hundred yards. I heard three shots distinctly.

Harry Lender, (colored) sworn - Saturday evening heard several shots fired. Was at home, lived near the mill close by Eli Mackey. About twenty minutes after the shots were fired Mackey came to my door; asked me if his wife was there; told him no. He seemed to be in a hurry. He had on a black soldier's coat; the shooting sounded as if it was south from my house, and about the place where Hayford was found; someone rode down to Mackey's and returned about fifteen minutes, before the shots were fired. Saw the coat which Mackey wore when he came to my house, at his house afterward. - Do not know whether he had any revolver then or not, he usually carries one, have seen him have one several times. I did not notice any flour on his coat. It was a navy revolver which Mackey usually carried. He also owns a gun; didn't see that at his house that night. When Mackey left my house he went to his house, and soon afterward heard him going back to town whistling. Mr. Jones found the sack of flour at the edge of the creek; looked as if thrown down the bank. Was found about twenty yards from Mackey's house. Saw Mackey have a revolver on Friday the day before Hayford was killed.

F. S. H. Myers, sworn - I live about 100 yards west of Eli Mackey's. Saturday night was at home sick abed; a man came to my house and inquired for me; I heard him and knew by his voice that it was Mr. Hayford; have known him several years. He left and my wife said he rode in a northerly direction, that is the way from my house to Mackey's. About five minutes after he left I heard four distinct shots. From the sound thought they were about 150 yards off and southwest from my house. After the firing heard someone walking past, whistling; he was going towards town.

Stephen Looney, (col.) sworn - After dark Saturday night I saw Eli Mackey at Smith's saloon. He asked me to play cards with him that night. He went out and I told him not to stay long. I waited a good bit and Mackey didn't come back and I went out and called him; he didn't answer; I then went over to Hayford's and learned that a sack of flour had been stolen. Didn't notice whether Hayford was there or not. Alonzo Cullin told me he saw Mackey on the road towards home, and that Mackey heard me call, but wouldn't answer. Didn't see Mackey again until Mr. Jones had arrested him, and brought him up to town. When I saw Mackey at Smith's he had on a soldier's frock coat; he had a revolver on him then; it was a big navy revolver. When I saw him after he was arrested, I think he had on a different coat.

Daniel O'Neil, sworn - Saturday night I was at Kirby's and heard a shot fired, and soon after heard a man halloo; run out and another shot was fired before I got out; immediately after heard another shot and saw the flash of a pistol down in the bottom toward the mill. Alex Harris, Westly Dickey and myself run down the road. We found a man lying on his side; his face was turned downward; he was alive but could not speak. From the sound I know it was a pistol that was fired. Came to town to find Mr. Jones, Deputy Marshal.

The coroner's jury returned to the justice their inquisition, stating that Dyer Hayford came to his death by gun-shot wounds received at the hands of Eli Mackey; they also found that Mackey had feloniously and wilfully fired the revolver at Mr. Hayford with intent to kill him.

Mackey will have his examination soon, before Justice Margrave, and will no doubt be committed for trial at the next April term or the district court. Mackey is said to be a very dangerous man; he was raised in the Cherokee Nation, and is said to be part Cherokee. He is also accused of having assassinated two men in the Nation, before he came to Fort Scott,

and he was once before arrested here, for shooting at a man, but before his trial came off the prosecuting witness left for home unknown, and Mackey was discharged without trial. Let him be tried for the offense with which he is now charged, and if guilty he should expiate his crime on the gallows.

MR. HASTINGS: I desire to insert an editorial from the West Coast Monitor of date February, 27, 1897, as follows:

"Bill Mackey, colored, accused of the murder of Dyer Hayford, confined in our jail, to await his trial at the next term of the District Court, for murder in the first degree, escaped last evening, and up to the time of going to press this morning, has not been heard of. A reward of two hundred dollars is offered for his apprehension."

MR. HASTINGS: The Cherokee Nation of News has given the following from the West Coast Monitor of February, March 27, 1897:

"A Chapter of Horrors."

Murderer of Hayford Captured and Held.

Tragic events connected with the affair.

The history of our community for the past week is replete with horrors, such as will, for long days to come, overshadow the hearts of our citizens with gloom.

A few weeks ago, we published an account of the escape of Bill Mackey, the black fiend, who last winter murdered Dyer Hayford. Ever since that time the officers of justice have been on the alert with a view of his recapture, and on Wednesday, the 26th inst., Deputy Sheriff Wheaton, having learned that the murderer was concealed in his brother's house, about five miles northeast of this city, started, in company with his son, Charles F. Wheaton, Edward Coe - who were on police duty in this city - and Bang, Rice, for the purpose of capturing him.

On arriving at the house, Messrs. Coe and Wheaton, Jr., approached and ordered the wretch to surrender. In return he fired several shots through the partially open door, and then ran out of the house into the open prairie. Coe, being nearest, received the first shots that were fired. He staggered to the corner of the house, sat down and expired in about fifteen minutes. Immediately after Charley Wheaton received a ball in the right side and fell to the ground. For some time no hope was entertained for his recovery; but at the present writing his condition is improved, and his friends entertain some hopes that he will live.

In the mean time a number of the neighbors had gone around and headed by Capt. Curtis Johnson, Mr. Rice and Mr. Dickinson started in pursuit. The murderer, with a gun and revolver in his hands, ran fleetly across the prairie, firing at his pursuers as he ran, and dropping down to load as fast as his weapon became empty. Finally, when nearly dead from his wounds he received from his pursuers, he signified his readiness to surrender; but even after they approached him his bloodthirsty spirit was not satisfied, and he fired the two remaining shots in his revolver at the crowd. Fortunately, no one was injured, though Mr. Dickinson had part of his coat shot off. After the murderer was secured he was taken back to the house from which he had fled and hung by the neck until he was dead. Before his death he tried to implicate an innocent negro in the murder of Mr. Hayford, but having been caught in the falsehood, he confessed to having committed the deed himself. He also confessed to having killed five other men, and also to having shot at Major Hafford last winter. All reports indicate that he has always been a character with scarcely a parallel in the annals of history for desperation.

and bloodthirstiness. - We are informed that at one time, in the Cherokee Nation, 25 men attempted to arrest him but failed on account of his desperation. The colored people, who knew him, were terrible afraid of him. History has seldom presented a character so utterly lost even to every sentiment of humanity.

As a general rule, we have always depreciated the taking of life except by due process of law, as dangerous to the peace and quiet of the community and to the best interests of society. We have always found that nothing but the most extreme necessity would justify it, but we believe in this instance that necessity existed; for every moment this desperado was allowed to live, endangered the lives of good citizens. We learn that the house he occupied was since burned to the ground. The sufferers from their attempt to arrest him, were among the best of our young men. As members of the police force of this city they have performed their duties faithfully. Generous and brave to a fault, the death of one and the danger to the other creates a spirit of sadness that cannot soon be eradicated.

The body of Mr. Gee was brought into the city, and on Friday after a funeral sermon by Mr. Irwin was escorted by a large procession, headed by the members of the Grand Army of the Republic to the cemetery where it was interred.

Sequel.

On Thursday night a crowd of about fifty men, still laboring under the excitement growing out of the tragedy of Wednesday, entered the jail and having possessed themselves of the keys took Jackson Mackey and Harry Vann - on the brother who harbored the murderer and the other charged with furnishing provisions and aiding in his concealment, to the ravine near the poorhouse and hung them to a tree where their lifeless bodies were found next morning. So quietly was this done that few in the city except those who participated know of it until the next morning."

Benjamin Files, being first duly sworn, testified as follows:

MR. HASTINGS: What's your name? A Benjamin Files.

Q What is your postoffice? A Fort Scott.

Q Kansas? A Kansas, yes, sir.

Q Were you living there at the close of the war? A Yes, sir.

Q Were you living there in '66, December? A I have lived there ever since '62.

Q Did you know Dyer Hayford? A Yes, sir.

Q Had you known him before December '60. A Yes sir, I had known him in the neighborhood of two years before that and knew him up until that time.

Q Was he killed? A He was killed at Fort Scott.

Q Was he killed in the town? A He was killed just at the brink of the hill along in the mouth; yes, sir he was killed in the city just about the brink of the hill.

Q About what time of the day was he killed? A He was killed just after dark, just dark.

Q Do you know who killed him, who was said to have killed him, who was accused of killing him? A Yes, sir.

Q Who? A Eli Mackey.

Q Was he a colored man? A Yes sir, he was.

Q Did you assist in his arrest? Yes, sir.

Q Who arrested him? Myself and a man we called Deacon Jones.

Q That this other ran here with you? A Yes, sir.
Q About how long after this reported killing? A I heard the shots fired, then ran down there and run over him; I lit a match and this man drew his breath twice, from the time the shots fired I wouldn't it was more than twenty minutes.
Q Twenty minutes? A Yes, sir.
Q Had it become generally known at the time of the arrest? A No, sir.
Q There was no time for the public to know? A Only a few people knew; I heard the shots fired myself and ran down there.
Q And a few people knew that the killing had taken place before he was arrested? A Yes, sir.
Q And the excitement then, was that after that? A Yes, sir, they didn't have time to know it.
Q Did he get in jail? A Yes, sir.
Q You remember how long he remained in jail? A Till about the twentieth, sometime in February, 20th I think it was.
Q Of February following, of '97? A Yes, sir.
Q Well did he make his escape? A He got away.
Q He got away? A Yes, sir, he got past the turnkey, Ed Coe.
Q Ed Coe was the turnkey was he? A Yes, sir.
Q I will ask you then if there was any searching parties out for this man? Yes, sir.
Q For how long? I think he was killed on the 20th of March.
Q From then about the 25th of February until the 20th of March people looked for him, a reward offered for him? Yes, sir, some three hundred dollars I believe.
Q Well were there quite a number of people out searching for him? A Yes, sir.
Q Considerable excitement at that time? A Yes, sir.
Q Did people go out in the country looking for him? A Yes, sir, and searched houses and searched lands, they looked around for him, but failed to find him.
Q Up until that time? Yes, sir.
Q You say that was for about three weeks? A Yes, sir, something over three weeks.
Q From the 26th of February up until about the 20th of March? A Yes, sir.
Q Do you know whether this Eli Mackey was reputed to be a Cherokee or not? A Yes, sir, he was.
Q I believe there was a newspaper account to the effect that when he was captured he was hung up there? A He was killed, yes, sir.
Q That I want to get particularly from you was whether there was any search made for him at the time he was killed or whether search was made for him after his escape, after the 26th of February? A There was no search made for Mackey until he broke jail.
Q No houses searched, nor no wagons, nor no nothing when he was first captured? A He was in jail, I don't think it was much over a half an hour, I don't think it was any; he was in jail in not much over half an hour after he shot Hayford; I heard the shot that killed Hayford.
Q And you helped to arrest him? Yes, sir, I got to Hayford before he died, but he was too far gone; I lit a match and he was too far gone to speak.
Q You had known Hayford prior to that time? A Yes, sir, him and me was friends.
Q You was a friend of his? A Yes, sir.

H. C. Jones, being first duly sworn, testified as follows:

MR. HASTINGS: What is your name? A H. C. Jones.

Q What is your postoffice? A Fort Scott.

Q Kansas? A Kansas, yes, sir.

Q What is your age, please sir? A 66.

Q Were you holding any office in the town of Fort Scott, Kansas, in December of '66? A I was.

Q Well were you holding any office at the time a man by the name of Hayford was killed by Eli Mackey? A I was.

Q What office was that? A City marshal, called town constable.

Q You was a city constable? A Yes, sir.

Q Did you assist in his first arrest? A I did.

Q Who assisted you in the arrest? A Mr. Benjamin Files.

Q This man that's present here? A Yes, sir.

Q Did you hear the shot that killed Hayford? A I did.

Q How soon after Hayford was killed was Mackey arrested, Eli Mackey?

A 20 or 25 minutes, inside of a half hour at most.

Q Very short time? A Yes, sir.

Q Had any houses or wagons or anything of that kind been searched in the mean time? A No, sir, there was no knowledge.

Q People didn't generally know it up to that time? A No, sir.

Q Put in jail then? A He was taken right to the jail as soon as he was arrested, he was hurried off to jail for fear of any mob violence.

Q Well how long did he remain in jail, do you remember? A Why I think something like six weeks or more.

Q Well the Fort Scott Monitor puts it about February 26th? A I presume that was right, it was correct. It was hard for me to remember exactly.

Q Well he remained in jail up to that time? A Up till that time, he was not out of jail except while he was under guard.

Q He made his escape then? A He made his escape, yes, sir, at the time.

Q You know how long he was at large? A Well I put it something like three weeks.

Q I will ask you if there was any searches at that time made for him?

A You mean after?

Q When he got away after February 26th? A Oh yes, sir, there was considerable hunt for him at that time.

Q Reward offered for him? A Yes, sir, reward offered.

Q People searched around in the country for him? A There was quite a number of both officials and independent searches, they would search for him for the first couple of weeks of his escape from there.

Q He was afterwards captured was not? A Yes, sir, he was located afterwards, he hadn't been out of a radius of probably ten miles from there after he got away. He was captured.

Q Do you know whether this Eli Mackey was reputed to be a Cherokee colored man? A He was called a Cherokee refugee, yes, sir, had the reputation, that is his name, of being a Cherokee nigger.

COMMISSIONER: You are positive about these dates? A To the best of my knowledge now, I would have put it, that is, a week before the holidays, and I know it was only a few days before Christmas when the killing was done.

Q '67? A In '68 the killing was done.

Q Few days before Christmas of '66? A Yes, sir.

MR. HASTINGS: The Cherokee Nation asks that all the testimony introduced in the case of Aaron Webber, D-216, with reference to the return of the Webber attachment, be introduced and made a part of the record in this case.

MR. BROWN: Comes now the agent for the applicant and moves the Commission to strike from the records of this case all the testimony taken on this day, for the reason that it is incompetent, irrelevant, and immaterial and not the best evidence, it being purely hearsay.

COMMISSION: The request of the representative of the Cherokee Nation will be complied with, and the testimony filed.

This testimony will be filed with and made a part of the record in the following Cherokee Freedmen cases: No. D-394, D-396, D-398, D-401, D-402, D-404, D-407, D-775, and in D-391, the same being the case at bar.

Arthur G. Croninger, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the testimony and proceedings in the above case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) Arthur G. Croninger

Subscribed and sworn to before me this 14th day of May, 1902.

(Seal)

(Signed) Phillip C. Renter,

Notary Public.

I, Arthur M. Evans, a stenographer to the Commission to the Five Civilized Tribes, on oath, state that the above and foregoing is a true and perfect copy of the original now on file with the Commission as the same was made by me.

(Arthur M. Evans)

Subscribed and sworn to before me this 23rd day of July, 1902.

(P. C. Renter)
Notary Public.

To be filed with U. S. S. S.

Department of the Interior,
Commission to the Five Civilized Tribes,
Tulsa, T. T., May 28, 1902.

In the matter of the application of Charles C. Smith et al for
enrollment as Cherokee Freedmen.

TESTIMONY IN BEHALF OF APPLICANTS.

SUPPLEMENTAL TO DEED.

APPEARANCES.

JUDIS T. BROWN, representing appellee & Smith, for applicants.
F. W. JUSTICE, for Cherokee Nation.

SAM WEBSTER, being first duly sworn, testifies as follows:

- Q. State your name. A. Sam Webster.
- Q. What's your age? A. About 30 or 35 years.
- Q. Your postoffice address? A. Ada.
- Q. Are you a recognized citizen of the Cherokee Nation? A. Yes, sir.
- Q. Do you know Charles C. Smith, the applicant? A. Yes, sir.
- Q. Do you know his wife? A. Yes, sir.
- Q. Do you know her mother? A. Yes, sir.
- Q. What was her mother's name? A. Her name was, we called her Aunt
Tilla Fannenberg.
- Q. Do you know what her name was before she went by the name of
Fannenberg? A. That's the name I knowed her by.
- Q. Do you know what her second name was? A. She went by the name of
Tilla Lacey before she died.
- Q. Do you know when she returned to the Cherokee Nation after the
close of the war? A. I don't know what month she returned. I
know when I seen her.
- Q. Please state when she went. A. My I was her about just about
Christmas in '66.
- Q. Now Mr. Webster go ahead and state the circumstances of your
seeing this woman at that time, and what, if anything, you done.
- A. My I went down to Lightning Creek, and I live about old five
about ten or fifteen miles from Lightning, and I went down there to
see this Harry Still, and I heard she was there when I was there,
she had got a little claim, this claim that Harry Still bought from
them afterwards, and she was there, her and her children.
- Q. The time you were there? A. My, see Harry Still and Mariah Hayden,
and we used to call Aunt Mariah's daughter Puss then was all the
name I knowed her by.
- Q. What's her name now? A. I declare I never could give any name
only Puss.
- Q. What's her husband's name? A. Muckner.
- Q. George Muckner? A. Yes, sir.
- Q. Anyone else there? A. Yes, this Andy Rider was there, and this
Smith's wife.
- Q. Charles Smith's wife? A. Yes, sir, and her sister, and a little

boy we called Jim.

Q Do you know John Brown? A Yes, sir.

Q Do you know his wife? A Yes, sir.

Q Was she there? A Yes, sir, she was a girl then.

MR. HASTINGS: If Marian Hayden testified before the Chambers Court in her application or set forth in her application before the Chambers Court that she never came here till '87 when she made application in '78, she was mistaken then was she?

MR. BREWSTER: Wait a minute; it is objected to for the reason that it is assuming a fact not proven.

CONCUSSION: Objection will be noted; answer the question, Mr. Webber.

Witness: She must have been mistaken if she testified that.

MR. HASTINGS: Then was you married? A I was married along after Christmas.

Q What year? A '87.

Q How long after Christmas? A Why it wasn't long after, not very long after.

Q What women came down with you in the fall of '88? In the fall of '88?

Q Yes, sir. Was there any women? A Yes, sir, let me see now, if I could tell you there was a girl they called Celia Fox.

Q Anybody else? A And Dick Thuzman's daughter, they called her Hannah.

Q Who else? A And then there was the Sanderson woman, and the Neigsen woman.

Q Tell me what Sanderson came here before? A Yes, sir, he was too, I know he was.

Q Well then you come as he come did you? A Yes, sir, and he come as I come.

Q All come along together? A All come along together.

Q And that was in the fall of '88? A Yes, sir, we came in the summer, and went back, and then come again, and come again in the fall.

Q You went back and come back in March of '89? A I went up there and remained.

Q Well I will get you if it is not a fact that not a single woman nor a single child come here and located north of the Prison Road and east of the N. K. & F. in the winter of '88; did you have a house there? A Yes, sir.

Q Were you living in your house? A I built a house in the summer when I come down here.

Q Was Aaron Wright living up there? A No, he wasn't living there; he come, would he come down and lived there after we moved there.

Q Well but was he living there on Lightning Creek near Marian Whit- when I was there over there and when you saw this woman? A OK.

Q He was living there was he? A He moved there in the spring; he lived on the place where Jim Martin lives now, just right in the neighborhood, and made a crop on the old farm there without any fences.

Q What spring was that? A In the fall of '89 he moved down to Lightning Creek.

Q But when did he come to the Cherokee Nation with his family? A Aaron Wright.

Q Yes, sir. A Why he come in the winter.

Q Well of what year? A Along in '89 when Aaron Wright come.

Q. Well, was this time in '87? A. In the winter.

Q. Well, was it in the early winter or was it in December? Was it January of '87 or was in December of '87? A. I went back to there and married and then he come down here just after that and been there ever since.

Q. Well, when did Lewis Whitmire come? A. Come with us.

Q. And along as you come did he? A. Yes, sir.

Q. Then you come, a Lewis come? A. Yes, sir.

Q. Did you go as those Whitmire come? A. Yes, sir, he was one of our crowd.

Q. And Emmon Sanders come at the same time? A. Yes, sir, he was one of our crowd.

Q. Whenever they come you come? A. Yes, sir.

Q. I mean when they moved their families, is that the time your families came; that is your father's family? A. Yes, sir, that's what I am talking about.

Q. And it was after you had come that you saw this woman that you spoke of, this Vanenberg or Matilda Brunenberg, it was after that, was it?

A. That was before that, before I married, you know.

Q. It was before you married? A. Yes, sir.

Q. That you saw her? A. Yes, sir.

Q. And it was after you had come down here? A. Of course.

Q. Well, it was after these women had come down here? A. Yes, sir, and it was after Lewis Whitmire had come down with his family? A. Yes, sir, Lewis had no family then.

Q. Well, it was after those who were with his family? A. Yes, sir.

Q. It was after your folks had come? A. Father had no family only the boys.

Q. Well, it was after you and all come? A. Yes, sir.

Q. Maria Vanenberg was down here at that time? A. Yes, sir, she was down there.

Q. They were all down there, were they? A. Yes, sir.

Q. Do you belong to the Freedmen's Protective Association? A. Yes, sir.

Q. Are you one of the committee that's been around here for two or three months representing the Freedmen? A. I stay here all the time.

Q. I will ask you if you ain't a member of the committee down here representing them and looking after their interests? A. I am here looking after all that I witness for.

Q. BROWN: Uncle Sam, you are on the roll of 1860? A. Yes, sir.

Q. Lewis Whitmire, Kate Whitmire, Aaron Whitmire, Reuben Sanders, are on the roll of 1860? A. Yes, sir.

Q. BASTIN: The clerk of the Nation asks that the testimony introduced by the Cherokee Nation in the case of Ed Wright, the same being Freedmen Doubtful 518, as to the time of the return of the Whitmires; also the testimony of Aaron Webber, together with the testimony introduced by the Cherokee Nation in the case of Aaron Webber, being F. D. 518, be introduced and made a part of the record in this case. The Cherokee Nation also asks that the testimony of Reuben Sanders, as well as all of the testimony introduced by the Cherokee Nation in the case of Elizabeth Helge, the same being

Frederick Douglass, 231, be introduced and made a part of the record in this case.

Commission: The above testimony and proceedings will be filed in the Cherokee Indian cases: D-514, the same being the case of 1881, of the cases of Smith, D-474; John V. Ross, D-475; Billy Ross, D-476; Pears Smith, D-477; Matilda Smith, D-478; Martha Smith, D-479; Vera Morris; also in Cherokee Indian cases D-517, D-518, D-519, D-520, D-521 and D-524.

Arthur S. Crabbler, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the testimony and proceedings in the above case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

(Signed) Arthur S. Crabbler,

Subscribed and sworn to before me this 5th day of July, 1902.

(Seal)

(Signed) F. C. Butler,

Notary Public.

I, Arthur C. Evans, a stenographer to the Commission to the Five Civilized Tribes, on oath, state that the above and foregoing is a true and perfect copy of the original now on file with the Commission, as the same was made by me.

Arthur C. Evans

Subscribed and sworn to before me this 26th day of July, 1902.

Bruce C. Jones
Notary Public.

From D. D.

Case

and Term

U. S. District Court

Nov. 31, 1904

In the matter of the application of **TERRELL ALLEN** for enrollment
as a Cherokee Freeman:

Applicant appears by **Walter F. Smith**, Cherokee Nation, by
V. V. Hastings.

By **Mr. Smith**:

The applicant moves the Commission to make the certified
copy of the decree of the Court of Claims in the case of
Moses Whitfire, Trustee for the Cherokee, vs. The Cherokee Nation,
No. 17300, filed in the **Mariah Hayden** case, a part of the
record in this case and the cases hereinafter mentioned by refer-
ence to the said case of the said **Mariah Hayden**, and if it be deemed
necessary that a copy of the said decree be filed in this case and
in the following cases, to-wit:

Mary Hayden, D. 17301;

By **V. V. Hastings**:

I come now the Cherokee Nation and objects to the intro-
duction of the decree because, first: It does not tend to show that
the applicant was a slave of the Cherokee Nation at the beginning
of the war, nor that he returned within the time specified in the
treaty of 1866, or that he had been a continuous resident of the
Cherokee Nation since that time, or that he is a descendant of
such a person. Second: Because the same is incompetent, irrele-
vant and immaterial, and does not tend to prove an issue in this
case. Third: Because the Commission will take judicial knowledge
of all laws, treaties and decrees necessary for the determination
of the right of any person who makes application for citizenship.
Fourth: The Cherokee Nation objects to the filing of a certified
copy of this decree in the case of an applicant unless the same
is called and filed in each individual case.

Commission:

The motion of the attorney for the applicant will be con-
sidered and the decree of the Court of Claims filed in the case
of **Mariah Hayden** will be made a part of the record by reference in all
the cases above named with the exception of those which come within
the provisions of the temporary injunction recently granted by
Judge Gill of the United States Court, of the Northern District,
Indian Territory.

Mr. Smith:

The applicant further moves that as to the above named
cases including the **Mariah Hayden** case that counsel for the appli-
cants be allowed within thirty days to file any of the proof of any
of all of the record other than the decree already referred to.

In the case of Moses Williams, trustee, vs Cherokee Nation, on file in the Court of Claims is the counsel of the Cherokee Nation if it is desired to do so.

V. W. Hastings:

The Cherokee Nation certainly most strenuously objects to the allowing of this permission or to the granting of this request for the reason that most of these applicants have had more than a year in which to file all of their testimony that they desired to file to make out their case before the Commission and that notice was given them all by agreement in March last, that the cases would be closed so far as testimony was concerned by the special permission of the firm of attorneys representing these applicants, on the 31st day of May, 1902, and that this being the 31st day of May, 1902, we say that under the rulings of the Commission, that under the agreement between the attorneys, that the testimony in all these cases is to close and should be closed by the Commission, and that no extension should be granted in any case and no case re-opened unless there is some special and particular reason shown either by the Cherokee Nation on the one side or the applicant on the other why an extension of time is necessary or desired.

The Commission:

The law provides that the roll of Cherokee freedmen shall be made in strict compliance with the decree of the Court of Claims rendered the 3rd day of February, 1896, and as the Commission must take judicial notice of the judgment roll of said Court in the proceedings referred to the motion of attorneys for applicants for additional time to file certified copies of the proceedings of the said Court is denied.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings in the above case and that the foregoing is a true and correct transcript of his stenographic notes thereof.

(Signed) E. G. Rothberger,

Subscribed and sworn to before me this 14th day of June, 1902.

(SEAL)

(Signed) F. G. Reuter,
Notary Public.

I, E. C. Bagwell, a stenographer to the Commission to the Five Civilized Tribes, on oath state that the above and foregoing is a true and perfect copy of the original testimony in the above entitled case as filed with the Commission, which copy was made by me.

Subscribed and sworn to before me this July 27, 1902.

(Signed) E. C. Bagwell,
Notary Public.

Freed. D-514.

File with Cherokee Freedman D- 517, Mary Blackburn et al.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., May 31, 1902.

In the matter of the application of Jane C. Smith for the enrollment of herself and children as Cherokee freedmen.

Applicants appear by Mellette & Smith, Cherokee Nation by J. S. Davenport. Testimony in behalf of applicant.

Frank Ross, being sworn and examined, testified as follows:

Q. Mr. Smith: State your name? A. Frank Ross.

Q. How old are you? A. 54.

Q. Where do you live? A. On Lightning Creek, Cherokee Nation.

Q. You know Charles C. Smith? A. Yes sir, I know him.

Q. Do you know his wife? A. Yes, sir.

Q. What is her name? A. Jane.

Q. Where do they live, Mr. Ross? A. They live up on Hickory Creek, the last time I was up there.

Q. In the Cherokee Nation? A. Yes sir.

Q. How long have they been living there? A. They have been living there a good long while.

Q. A good many years? A. Yes, over 21 years.

Q. Who was Malinda Dannenberg? A. His girls' mother.

Q. The mother of Jane? A. Yes sir.

Q. When did you first see Malinda Dannenberg after the war? A. In the winter of '66 on Lightning Creek.

Q. Was it before Christmas? A. Yes sir.

Q. Was it in December or November of '66, or do you know? A. In December of '66, along about the first of it.

Q. Who did she have with her? A. She had three children with her, a boy and two girls.

Q. Who were they, name them? A. Jane, Jim, I forget the other ones name right now.

Q. Was that the wife of this man Charles Smith? A. Jane was the wife of Charles Smith. The other one is named Mary.

Q. Who did she marry? A. She married a man by the name of Rose.

Q. What Rose? A. John J. Rose.

Q. What is her present name, what name does she go by now? A. She married another man, I don't know his name.

Q. Would you know it if you were to hear it? A. Yes sir.

Q. Was it Nolan? A. Yes sir.

Q. Her name is Emily Nolan? A. Yes sir.

Q. Where did you see them? A. On Lightning Creek.

Q. What were they doing there? A. They were dumped there.

Q. Do you know how long they continued to stay there? A. They were there when I left.

Q. How long did you stay there? A. I stayed there about four or five days.

Q. Did you see them any more after that? A. I saw them after that about four or five years after that.

Q. Not until four or five years after that? A. Yes sir.

Q. Where did you live at that time? A. I lived on Brice's Creek part of the time.

Q. I mean at that time where were you living at the time you saw these people? A. I was living on Brice's creek.

Q. That is how far from Lightning Creek? A. About 25 or 30 miles.

J. S. Davenport: You are a freedman citizen of the Cherokee Nation?

A. Yes sir.

Q. You have been a witness in several of these claimant cases, freedmen cases, haven't you? A. Yes sir.

Re-Jane C. Smith et al.

Q Well now, how old were you when the war closed? A I was about twenty, I guess.

Q Where were you living at the close of the war? A I was in the army at the close of the war. I was mustered out in '65.

Q Where were you mustered out? A At Leavenworth, Kansas.

Q What regiment did you belong to? A 79th, Company E.

Q Had you known this Matilda Dannenberg before the war? A No sir.

Q You first met her on Lightning Creek? A Yes sir.

Q Who was living with her? A They were in a camp there.

Q I asked you who was living with her when you saw her? A Her children, three children.

Q Any men folks? A Harry Still.

Q Did they have a home there of any kind? A They did not have no home at that time, they just come down from Kansas then.

Q Do you know how long they stayed there? A Some of them is there yet.

Q Which some of them is there yet? A Mrs. Hayden and Harry Still is there.

Q Which of the people have continually resided there from '65 until the present time? A Jane and Jim and all of them.

Q Have they resided in the Cherokee Nation ever since '65, are you able to say they have? A Every time I saw them they were there, they never were out.

Q Don't you know they have lived out? A No, I don't know.

Q Don't you know John Rowe and Emily were married in the State of Kansas? A No sir.

Q Did you know her before? A Yes sir.

Q Before they were married? A Yes sir.

Q How many years did you see her before she and John were married? A Ten or fifteen years.

Q Before Emily Dannenberg and John Rowe were married? A Yes.

Q You are sure? A Ten or fifteen years.

Q Did you ever see Emily before the war? A I told you I didn't know them before the war.

Q You think it was at least ten years after the war before she and John were married? A I guess so.

Q Do you know anything about it? A Yes, sir.

Q If you know anything about their marriage you knew they were married in '67? A I didn't see them when they got married.

Q The record of the Court shows they were married in '67? A I wasn't there when they were married.

Q It could not have been ten years from the time you saw her when she and John were married, could it? You don't remember a thing about that until you were called on at the tale end of this business

A Yes sir.

Q Why, don't you know they were married in '67? A Because I wasn't there.

Q Were you living on Lightning Creek when they were living there?

Mr. Smith: I object to that.

Commission: Answer his question.

A All the folks that were living there knowed I was living there.

Q They had a name, who were they? A Moss Wright, Nelson Murrell.

Q Was Nelson Murrell living on Lightning Creek in '66? A Nelson Wright and Lewis Whitacre were living there.

Q They do not claim to have lived on Lightning Creek until after '66; they were living on Big Creek then? A They had built their houses there in '66.

Q They claimed to have built a house there in 1866, does their testimony show that? A I never seen their testimony.

Q Don't you know they claim they come down here in the fall of '66 and stopped on the Verdigris and made a crop and then came over on Big Creek and then in '67 came to Lightning Creek? A I don't know, it was '66 when I seen them up there.

Q Where was Charles Smith and his wife married? A I don't know.

Q Where were they living when they married? A I don't know.

Q Did you ever know them before they were married? A Yes sir, I knowed the girl.

Q What was the girls name? A Jane.

Q Where did you know her? A I knowed her on Lightning Creek and on the bend in there.

Q What bend? A Gooseneck Bend.

Q It is some distance from Gooseneck Bend to Lightning Creek? A About fifteen miles.

Q How big a girl was she when you know her? A She was a big girl about 17 or 18 years old.

Q Was she living in a house up there? A She was living in a tent when I seen her.

Q How often did you see her? A I saw her lots of time. I never saw her but once in '66.

Q How long after that until you saw her again? A About four or five years.

Q They weren't living in a house when you saw them first? A They were living in a house then.

Q You never seen her until after '66? A I hadn't seen her until I saw her after that.

Q When did you see her when she was living in a house? A It was along about '73 or '74.

Q When did you see her mother, Matilda; was her mother living in the Cherokee Nation, living in a house? A I saw her living in a house along in '70.

Q When did you see Emily Nolan living in a house in the Cherokee Nation? A I saw them living with their mother.

Q How did it happen that you were going through that country in '66 and remember seeing those people in a tent? A I was hunting a place.

Q In '66? A Yes, and am living there yet.

Q You were living on Pryor Creek? A Yes sir.

Q And you changed your locality and went up there, there wasn't hardly anyone living on Pryor Creek? A There wasn't many.

Q Whose place did you pass when you went to Lightning Creek from Pryor Creek? A There wasn't any one living there. The country was all wild up there then.

Q And you just happened to go out in that unsettled country away from where you lived to locate your place? A Yes sir.

Q There was plenty of vacant land along Pryor Creek was there not? A Yes.

Q There was plenty along Verdigris? A I didn't want to go on the Verdigris.

Q There was plenty of vacant land there? A Yes.

Q And plenty of it along Big Creek? A Yes, I didn't get on Big Creek.

Q What part of Lightning Creek did you see these people pass? A Rachel Glass' place.

Q Is that the place Harry Still afterwards bought? A No sir, he didn't buy that place.

Q Then you have no recollection of seeing these people living in the Cherokee Nation or camping out in the Cherokee Nation until along in the '70's? A Somewhere along there.

Q You don't know what they did in '66 when you saw them there, whether they stayed there or whether they went away? A No sir.

Q What makes you remember it was '66? A It was after I was mustered out of the service in '65 and I come back home after that.

Q It was the year after you were mustered out? A Yes sir.

Q What year did you locate your farm up on Lightning Creek? A '73.

Q Well, it took you quite a long while, about five years to locate your claim up on Lightning Creek? A Yes, but I wasn't on Brice Creek.

Q You didn't get your place located on Lightning Creek until '71?

A I went up there and took my claim.

- Q You didn't locate your claim then in '71? A I didn't make no house on it in '66. I didn't do anything on it then, I went over it, I wanted to see what it looked like.
- Q It looked like a wilderness? A Yes.
- Q And you left it five years before you went back? A Yes sir, there wasn't anybody but a few old settlers, the Whitmires were there.
- Q Name a Cherokee or white man that lived there? A There wasn't any lived there then. There is not many now.
- Q Did the Whitmires have their women folks there when you were there in '66? A Aunt Harish Hayden was there.
- Q What month was this in '66? A Along before Christmas.
- Q You said a while ago it was in December? A Yes, December is before Christmas, Christmas is in December.
- Q What makes you remember it was before Christmas? A Because it was getting cold, it was getting winter.
- Q Why doesn't it get cold right after Christmas? A Yes, sometimes it gets cold before Christmas.
- Q You want to get it before Christmas so as to be sure to get it within the treaty that they were there? A No, that was the time we was there.
- Q Did you have a conversation with them as to their having been freedmen? A Yes, I knowed them before the war and I talked with them.
- Q You stayed all night with them? A I stayed all night with Nelson Whitmire.
- Q Is he living or dead? A He is dead, his wife is living.
- Q Well, you don't know where Charley Smith and his wife have been living since that time? A Living on California Creek.
- Q All the time since '66? A Every time I have seen them.
- Q Have they always resided in the Cherokee Nation since '66? A I couldn't say that, they might have gone out somewhere; every time I saw them they were here.
- Q When did you first get acquainted with Charles Smith? A It has been a long time.
- Q Was it in '66? A I didn't know him until after he married this woman.
- Q Was he a freedman too? A I don't know.
- Q Don't you remember him as well as meeting his wife? A Yes sir.
- Q Well what year did you meet Charley Smith? A I don't remember.
- Q Why can't you remember him you remember his wife? A Because I remember it being directly after the war.
- Q You remember because he married a girl out in the prairie, out in a camp? A I didn't say anything about in the prairie, I said it was on the forks of the Creek.
- Q You remember his wife because you had met her out there? A Yes.
- Q Why can't you remember the year he and his wife married? A Because I wasn't there, I don't know when they married.
- Q You weren't there when they came in on that Creek were you? A Yes sir.
- Q You said they were there on the Creek when you got there? A The family was there. I didn't say Charley was there.
- Q You weren't there when they left either were you? A I wasn't there then.
- Q You don't know anything about it except the little point of '66? A Oh, yes.
- Q In later years you have seen them but you didn't see them from '66 until up in '71, you never saw one of his family living up in the Cherokee Nation on Lightning Creek? A I never said I saw them on Lightning Creek in '70. I seen them up on the next bend pretty near every year.
- Q What year did you see them most from '66 and up to '71 at celebrations? A I saw them in '70 all along.
- Q Then there was a period of five or six years you didn't know where they were? A Yes.
- Q Was she married when you saw them there in 1871? A I don't know, she may have been.

5- Jane C. Smith et al.

- Q When did you first see Charley and found out that he claimed to have married this girl? A It was a good while after that.
- Q Was it as late as '80? A Before that, it was along in '77 or '78.
- Q When did you first see this Emily and know that John Rowe and she were married? A About the same time.
- Q About '77 or '78? A Somewhere along there.
- Q Did you ever know of these parties living at Lawrence, Kansas, and Topeka, Kansas? A I never was there; I come through there.
- Q Did you ever know of this family living there? A No sir.
- Q Did you know John Rowe before he and Emily were married? A No and him soldiered together.
- Q You were both mustered out in Kansas? A Yes.
- Q Did you ever see John Rowe from the time that you learned that he and Emily had married? A No, when I seen him he said he was married.
- Q Did you separate from Rowe in the Cherokee Nation or in the state after you and he were mustered out? A He separated at Leavenworth.
- Q How far is Leavenworth from Lawrence? A I don't know how far it is. It ain't very far.
- Q You made the trip didn't you? A But I didn't know how far.
- Q You have no idea what the distance is? A No sir.
- Q When you were mustered out and came down to the Cherokee Nation, do you know whether John had ever met Emily at that time? A I don't know. I left him at Leavenworth.
- Q After you met him in the Indian Territory did you have any conversation as to where they had been living before they came to the Cherokee Nation? A No sir, never had no such conversation. They told me they lived on California Creek when I first saw them.
- Q Where did they say they were living from the time you and John separated at Leavenworth, Kansas, up until the time you learned he and Emily had married? A He never told me where he was living.
- Q Do you mean that we should understand that you had soldiered with a man and been mustered out with him and then separated from him and hadn't seen him for 9 years or about that time and then when you met again you didn't ask as to where he had been during the interval? A No, he never told me and I never asked him.
- Q You and John Rowe weren't very intimate soldiers? A We were always good friends.
- Q Did Rowe ask you where you had been living? A Not that I know of.
- Q You then didn't discuss the subject of residence between you? A Not that I recollect; I don't think he asked me.
- Q What month of the year were you mustered out? A In October.
- Q Of what year? A Of '65.
- Q What year was the Wallace roll made? A Along in '80, some time in '86 I believe.
- Q Why can't you remember the exact year the Wallace Roll was made, you remember '66? A Because I remember '66 is because I was mustered out in '66.
- Q You drew money from the Wallace roll, why can't you remember that just as well as the year '66? A I don't know.
- Q What year was the Kern Clifton roll made? A Along about '69 some where.
- Q How far do you live from Charley Smith now? A He lives up on Hickory Creek.
- Q About how far is it? A About 26 miles.
- Q Has he ever lived any closer to you since he came to the Cherokee Nation than that? A No sir.
- Q How far did you live from John Rowe's? A He lives near Lonapah, about the same distance.
- Q Did he ever live any closer to you than that? A No sir.
- Q When you haven't been seeing them very often since they came? A I seen them sometimes every year and sometimes twice a year when we have meetings up on the band.

Q You were at Chelsea and Nowata and nearly all the places where the Commission was the past year? A Sometimes a day and a half a day.

Q You were there when Charles Smith made his application? A I don't think I was. I saw him there at Chelsea.

Q Did he call you as a witness? A He called me, but he didn't use me.

Q How did that happen? A I don't know.

Q It happened because you didn't know anything that would benefit him? A Just as much as I knew now.

Q You didn't tell him then what you know now and what you are telling here to-day? A Yes, I did.

Q How did it happen that he didn't use you then? A I don't know.

Q You waited until the last day before you came? A I didn't know this was the last day.

Q You don't mean to say that you didn't know this was the last day fixed by the Commission? A Is this the last day?

Q Do you mean to say you didn't know? A I heard it was the last day, but I don't know it.

Q And you waited until that day to come and testify? A I have been here ever since Wednesday and have been waiting on you fellows.

Q We have been ready to take it any time? A I don't know.

Q Have you been denied since you came here that we would not take your testimony? A I don't know.

Q Have you asked that you might give your testimony that you might go home? A I was waiting until they called it up.

Q You knew when you came here Wednesday that you weren't expected to testify until today? A No sir, I didn't.

Q And you didn't want to testify until today and not until this afternoon? A I was willing to testify the first day I come here as I could have been home.

Q Who did you ask? A I didn't ask nobody.

Q Been around the Commission room continuously ever since you came?

A Not ever since I been here, I have been sick half the time down at the hotel.

Q Who was Chief when you were up there in '66 and saw these people camping? A Bill Ross was acting as chief then.

Q You weren't up there hunting horses like L. D. Daniels, were you?

A Lewis Daniels was elected chief after that.

(REDIRECT)

Q How is the health of the people generally in that country? A My health has not been very good.

Q Do you know whether this paper was handed in Thursday that you be called to testify in this case, or not? A No sir, I don't know.

The applicant offered in evidence a certified copy of marriage record taken from the marriage records of Coowescoowee District, Cherokee Nation, certified to by B. W. Alberty, Assistant Executive Secretary of the Cherokee Nation.

J. S. Davenport: The representative of the Cherokee Nation objects to the introduction of the paper offered in evidence because it does not purport to be a certified copy of any regular marriage record kept, does not purport to be a copy of the license recorded or the certificate of the Minister or other officer solemnizing the same. The representative of the Cherokee Nation further objects to the document offered because that it is immaterial and incompetent and not a record which can be proven by a certified copy, it not bring a record entered by official of the nation while in his official capacity, or which purports to be an official act, but is simply a record stating what the recollection of a man who was at some time clerk, remembers about a certain marriage, and because of the further fact that the Clerk has no power whatever and never did under the Cherokee law, by his unlawful acts, have the right to admit to

citizenship anyone by violating the law and issuing to them a marriage license.

Commissioner: The document will be filed and considered for what it may be worth.

7-Jane S. Smith et al.

This testimony will also be filed in the following Freedman cases:

| | |
|------------------------------|----------------------------|
| D-882, Minora Smith; | D-883, Cera Morris; |
| D-515, Pearl Smith; | D-516, Matilda Smith; |
| D-511, Sally Hulen et al; | D-474, John J. Rose et al; |
| D-517, Mary Blackburn et al; | D-518, Charles Rose; |
| D-520, James Colbert; | D-521, Geneva Lynch et al; |
| D-804, William Rose; | |

as well as in the case at bar, the same being that of Jane Smith for the enrollment of herself and children, D-514.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

E. G. Reichenberger.

Subscribed and sworn to before me this 16th day of June, 1902.

E. G. Reuter,
Notary Public.

SEAL.

I, Roy Palmer, being first duly sworn, state that as stenographer to the Commission to the Five Civilized Tribes I made the foregoing copy, and that the same is a true and complete copy of the original.

Roy Palmer

Subscribed and sworn to before me this 20th day of August, 1902.

R. G. Jones
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE-CIVILIZED TRIBES.

In the matter of the application of Robert Ross et al.
for enrollment as Cherokee Freedmen, consolidating the applications
of

Robert Ross et al. - - - - - Cherokee Freedmen D 474,
Jane Smith et al. - - - - - Cherokee Freedmen D 514,
Emily Nolen et al. - - - - - Cherokee Freedmen D 511,
Pearl Smith - - - - - Cherokee Freedmen D 515,
Matilda Smith - - - - - Cherokee Freedmen D 516,
Mary Blackburn et al. - - - - - Cherokee Freedmen D 517,
Charles Rose - - - - - Cherokee Freedmen D 518,
James Colbert et al. - - - - - Cherokee Freedmen D 520,
Geneva Lynch et al. - - - - - Cherokee Freedmen D 521,
William Rose - - - - - Cherokee Freedmen D 804,
Daisy Rose - - - - - Cherokee Freedmen D 132,
Kinora Smith - - - - - Cherokee Freedmen D 582,
Cora Morris et al. - - - - - Cherokee Freedmen D 583.

DECISION.

The record herein shows that applications for enrollment as Cherokee Freedmen, were made to this Commission by John J. Rose, for his minor children, Robert and James Rose; said application also included the said John J. Rose, who claims right to enrollment as a Cherokee Freedmen by intermarriage, but the status of persons claiming right to enrollment as Cherokee Freedmen by intermarriage not being fixed at this time, the said John J. Rose is not embraced in this decision; by Charles C. Smith, for his wife, Jane, and minor children, Chester, Frank, Bertha, Catharine, Curtis and Melvella Smith; said application also included the said Charles C. Smith, who claims right to enrollment as a Cherokee Freedmen by intermarriage, but the status of persons claiming right to enrollment as Cherokee Freedmen by intermarriage not being fixed at this time, the said Charles C. Smith is not embraced in this decision; by Emily Nolen, for herself and minor child, Jessie Rose; by Pearl Smith, for herself; by Matilda Smith, for herself; by Mary Blackburn, for herself and minor child, Jeff Dickson; by Charles Rose, for himself; by James Colbert, for himself and minor children, Myrtle, Mable, Minnie, Walter J., Esnisteon and Pearl L. Colbert; said application also included Susie Colbert, wife of the said James Colbert, who claims right to enrollment as a Cherokee Freedmen by intermarriage, but the status of persons claiming right to enrollment as Cherokee Freedmen by intermarriage not being fixed at this time the said Susie Colbert is not embraced in this decision; by Geneva Lynch, for herself and minor children, John Looney and Prue Lynch; by William Rose, for himself; by William Rose, for his minor child Daisy Rose; by Kinora Smith, for herself; and by Cora Morris, for herself and minor children, Clarence, David, Charles and Helen Morris. Copies of the testimony taken in the cases of Edward Wright, Cherokee Freedmen D 516; Aaron Webber, Cherokee Freedmen D 216; Joe Ross, Cherokee Freedmen D 542 and Elizabeth Maize, Cherokee Freedmen D 301, and Harry Still, Cherokee Freedmen #396, are filed with and made a part of the record herein.

The evidence shows that Jane Smith, Emily Nolen, formerly Rose, and James Colbert are the adult children of Matilda Colbert (formerly Dannenberg), deceased; that they were the slaves of Cherokee citizens at the commencement of the rebellion; and that they went to Kansas during said rebellion. It is shown by evidence introduced in behalf of the applicants that said Jane Smith, Emily Nolen and James Colbert returned to the Cherokee Nation with Mariah Hayden, mother of Harry Still, after the war; and the Commission has decided in the case of Henry C. Hayden et al., Cherokee Freedmen R 198, that the said Mariah Hayden did not return to and take up her residence in said Nation until after 1873 which decision was approved by the Department on November 28, 1902 (I.T.D. 5988, 6242-1902).

Jack Landrum, a witness in behalf of the applicants, testified that the said Matilda Colbert and her daughter Emily, returned to the Cherokee Nation in the fall of 1866 and remained therein for a period of four or five years following that date. If the testimony of Harry Still to the effect that said applicants returned with Mariah Hayden, his mother, be accepted as true it follows that said Jack Landrum is in error when he states that Matilda Colbert and her daughter, Emily, were living in the Cherokee Nation from 1866 to 1870 or 1871. Again, Landrum is positively contradicted by the testimony of Hattie Drake and Jonathan Jones, two witnesses whose testimony is corroborated by other circumstances. Hattie Drake testified that she knew Emily Nolen, James Colbert and Jane Smith in Kansas at the close of the war; and that following that time she attended school with Emily Nolen and Jane Smith "at two different times" (years). Jonathan Jones ~~and~~ testified that he removed to Topeka, Kansas, in February, 1866; that a year or two thereafter he became acquainted with Matilda Colbert and her three children, Emma, Jane and James, who were then residing at said place; and that they continued to reside there for a period of five or six years following the time he first got acquainted with them. The marriage license dated February 6, 1869, in which the said Matilda Colbert is described as "Matilda Deninburg of Topeka" tends to corroborate the testimony of said Jones. Inasmuch as the witness Landrum is shown to be mistaken in his statement that Matilda Colbert and her daughter, Emily, remained in the Cherokee Nation for four or five years following the fall of 1866, is it reasonable to presume that his testimony is any more accurate on the other points in controversy?

As to the testimony of applicants' witness, Harry Still, it is to be observed that, in his own case, it is established by the weight of evidence that he did not return to the Cherokee Nation until after January 19, 1867. So that if he came back to said Nation with any of the applicants it is obvious that they arrived in said Nation too late to acquire any rights to enrollment. Upon consideration of all the evidence, therefore, we are of the opinion that said Jane Smith, Emily Nolen and James Colbert did not return to said Nation until after the time specified, in the decree of the Court of Claims rendered on February 3, 1896, in the case of Moses Whitmire, trustee, etc., vs the Cherokee Nation et al., for the return of freedmen to said Nation.

It further appears that all the other applicants herein were born since 1866; that they are the descendants of and claim right to enrollment through said Emily Nolen, Jane Smith or James Colbert; and that they have no other right except as such descendants. The names of none of said applicants herein are found on the 1880 authenticated roll of said Nation.

It is, therefore, the opinion of this Commission that the applications for the enrollment of Robert Rose, James Rose, Jane Smith, Chester Smith, Frank Smith, Bertha Smith, Catherine Smith, Curtis Smith, Melvola Smith, Emily Nolen, Jessie Rose, Pearl Smith, Matilda Smith, Mary Blackburn, Jeff Dickson, Charles Rose, James Colbert, Myrtle Colbert, Mable Colbert, Minnie Colbert, Walter J. Colbert, Erhisteon Colbert, Pearl L. Colbert, Geneva Lynch, John Looney, Prue Lynch, William Rose, Daisy Rose, Elnora Smith, Cora Morris, Clarence Morris, David Morris, Charles Morris and Helen Morris, as Cherokee Freedmen, should be denied under the provisions of section twenty-one of the act of Congress approved June 28, 1906, Stat., 4957, and it is so ordered.

COMMISSION TO THE FIVE CIVIL TRIBES.

(Signed) James H. V. Chairman.
T. J. Hedden, Commissioner.
C. R. Beckwith, Commissioner.
W. R. Stanley, Commissioner.

Muskogee Indian Territory.

Mar 11 1904

8. 517

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED
JUN 17 1901

APPROVED

COMMISSIONERS:

HENRY L. DAWES,
TAMM DIXIE,
THOMAS B. HEDGECOCK,
C. R. BUCKINGHAM.

ALICE A. AYLMER,
SECRETARY.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Nowata, Indian Territory, June 17th, 1901.

Received of the Commission to the Five Civilized Tribes
one copy of the original testimony of June 5th, 1901, in the
matter of the application of Mary Blackburn et al for enrollment
as Freedmen of the Cherokee Nation.

Mallett Smith

Attorney for Applicants.

Cherokee F. #0517.

D. _____

**INDIAN TERRITORY,
CHEROKEE NATION.**

I hereby certify, that I served the with-
in notice on _____

by delivering a true copy thereof on the
_____ day of _____ A. D. 190...

Given under my hand this _____
day of _____ A. D. 190...

Marshal for the Cherokee Nation.

I, the undersigned attorney for the
within named applicant, hereby accept
service of the within notice on this the
_____ day of _____ 190...

Mellett I. Smith
Attorney for applicant.

UNITED STATES OF AMERICA,
INDIAN TERRITORY, _____ S. S.
NORTHERN DISTRICT.

I do solemnly swear that I delivered a
true copy of the within notice to _____

_____ on the _____ day of _____ A. D. 190...

Subscribed and sworn to before me
this _____

**DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.**

FILED
SEP 24 1901

[Signature]
ACTING CHAIRMAN

NOTICE!

IN THE MATTER OF the application of Mary Blackburn
for enrollment as Cherokee citizens:

Case No. D 517

To Mary Blackburn or Mellette A. Smith her Attys.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee citizen at the office of the United States Commission to the Five Civilized Tribes in the town of Vinita Indian Territory, on Oct. 23d 1901 at 8 o'clock A. M. from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee citizens.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this Sept. 21st 1901

L B Bell
M. H. Hastings
Attorneys for the Cherokee Nation.

Cherokee Freedmen
D- 474 et al.

Muskogee, Indian Territory, March 22, 1904.

W. W. Hastings,

Attorney for Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 11, 1904, in the consolidated case of Robert Rose et al., rejecting the applications for the enrollment of Robert and James Rose, Jane, Chester, Frank, Bertha, Catherine, Curtis and Melvora Smith, Emily Nolen, Jessie Rose, Pearl Smith, Matilda Smith, Mary Blackburn, Jeff Dickson, Charles Rose, James, Myrtle, Mable, Minnie, Walter J., Ernesteen and Pearl L. Colbert, Geneva Lynch, John Looney, Erue Lynch, William and Daisy Rose, Cora, Clarence, David, Charles and Helen Morris as Cherokee freedmen.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

T. B. Nease

Enc. D-24.

Commissioner in Charge.

Cherokee Freedmen
B-474 et al.

Washington, Indian Territory, March 21, 1904.

Edgar Smith,

Attorney for Robert Ross et al.

Vinita, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the record of proceedings had in the consolidated case of Robert Ross et al., together with a copy of the Commission's decision, dated March 11, 1904, rejecting the applications for the enrollment of Robert and James Ross, Jane, Chester, Frank, Martha, Catherine, Curtis, and Melvella Smith, Emily Nelson, Jessie Ross, Pearl Smith, Matilda Smith, Mary Blackburn, Jeff Dickson, Charles Ross, James, Myrtle, Mahie, Minnie, Walter J., Ernestine and Pearl L. Gilchrist, Geneva Brown, John Isenby, Vera Isenby, William and Mary Ross, Elmore Smith, Clara, Florence, David, Charles and Helen Morris as Cherokee freedmen.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

T. B. Needles

Secretary

Commissioner in Charge

Cherokee Freedmen
D-474 of Ala.

Montague, Indian Territory, March 20, 1904.

The Honorable

The Secretary of the Interior

Sir:

There is herewith transmitted the record of proceedings had in the consolidated case of Robert Ross et al., including the Commission's decision, dated March 11, 1904, rejecting the applications for the enrollment of Robert and James Ross, Jane, Chester, Frank, Bertha, Catherine, Curtis and Melvina Smith, Emily Nelson, Jessie Ross, Pearl Smith, Matilda Smith, Mary Blackburn, Jeff Dickson, Charles Ross, James, Myrtle, Mable, Minnie, Walter J., Arnaldeen and Pearl L. Colbert, Geneva Lynch, John Leachey, Prue Lynch, William and Edney Ross, Elvora Smith, Cora, Clarence, David, Maylow and Helen Warren as Cherokee freedmen.

Respectfully,

J. T. Nease

Through the
Commissioner of Indian Affairs.

Commissioner in Charge.

Enc. D-25.

COPY

Cherokee Freedmen
D-517.

Muskogee, Indian Territory, March 22, 1904.

Mary Blackburn,

Hayden, Indian Territory.

Dear Madam:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 11, 1904, rejecting, among others, your application for the enrollment of yourself and your minor child, Jeff Dickson, as Cherokee freedmen. There has this day been forwarded to your attorney, Edgar Smith, Vinita, Indian Territory, a copy of the record of proceedings, together with a copy of the Commission's decision.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

J. H. Needles.

Register.

Enc. D-15.

Commissioner in Charge.

(COPY)

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,

WASHINGTON, October 18, 1904.

Refer in reply
to the following:

Land.

20123-1904.

21324-1904.

The Honorable,

The Secretary of the Interior.

Sir:

I enclose herewith, a report from the Commission to the Five Civilized Tribes, dated March 22, 1904, transmitting the record of the consolidated applications for enrollment as Cherokee freedmen by John J. Rose for his minor children, Robert and James Rose; by Charles C. Smith for his wife, Jane, and minor children, Chester, Frank, Martha, Catherine, Curtis and Melville Smith; by Emily Nelson for herself and her minor child, Jessie Rose; by Pearl Smith for himself; by Matilda Smith for herself; by Mary Blackburn for herself and minor child, Jeff Dickson; by Charles Rose for himself; by James Colhart for himself and minor children, Myrtle, Noble, Minnie, Walter J., Harwood and Pearl L. Colhart; by Geneva Lynch for herself and her minor children, John Leach and Trice Lynch; by William Rose for himself; by William Rose for his minor child, Selma Rose; by Minerva Smith for herself, and by Gern Morris for herself and minor children, Clarence, David, Marion and Helen Morris.

March 11, 1904, the Commission decided adversely to all the applicants.

The evidence shows that James Smith, Emily Nelson, formerly
Ly Jones, and James Gilbert are the adult children of Harriet Gilbert
(formerly Jones), deceased; that they were the slaves of
George Wilson at the beginning of the war of the rebellion and
that they went to Kansas during said war. It is shown by evidence
on behalf of the applicants that James Smith, Emily Nelson and
James Gilbert returned to the Cherokee Nation with Harriet Taylor
after the war, that the Commission has decided that the said Harriet
Taylor did not return to and take up her residence in the Cherokee
Nation until after 1872, which decision was approved by the
Department on November 20, 1900 (X. T. N. 1899, 1900-1901).

It further appears that all the other applicants were
born since 1860; that they are the descendants of, and claim
right to enrollment through said Emily Nelson, James Smith, or
James Gilbert and have no other rights except as such descendants.

The other applicants are identified as the descendants
and Wilson rolls, but none is identified as the late Harriet
Taylor.

A prior (71222-1901), has been filed on the applicant's
behalf, and the same has been carefully considered.

In view of the record the approval of the Commission's
decision adverse to the applicants is recommended.

Very respectfully,

A. C. Hunter

H. H. H.

Chief Clerk

(COPY)

DEPARTMENT OF THE INTERIOR,

WASHINGTON, December 5, 1904.

V. C. F.
Y. P.
H. H.

D. C. 47200-1904.

L. T. D. 18720-1904.

IRS

Commission to the Five Civilized Tribes,

Washoe, Indian Territory.

Gentlemen:

March 22, 1904, you transmitted the report in the consolidated Cherokee freedman case of Robert Ross, et al (P. 2-474 et al), including your decision of March 11, 1904, which was adverse to the applicants.

Reporting in the matter October 12, 1904, the Acting Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

Due consideration has been given to a brief filed by the attorney for the applicants in the case.

The Department concurs in the Acting Commissioner's recommendation, and your decision is hereby affirmed.

Respectfully,

(Signed) Theo Ryan

Acting Secretary.

1 inclosure.

COPY

Cherokee Freedmen
D-22

Muskogee, Indian Territory, December 14, 1904.

Mary Blackburn,

Hayden, Indian Territory.

Dear Madam:

You are hereby advised that the Commission's decision dated March 11, 1904, rejecting, among others, the application for the enrollment of yourself and your minor child, Jeff Dickson, as Cherokee freedmen, was affirmed by the Secretary of the Interior on December 3, 1904.

Respectfully,

Tame Kirby

Chairman

COPY.

Charles Freedman
No. 474, et al.

McKeague, Indian Territory, December 14, 1904.

Edgar Smith,

Attorney for Robert Ross, et al.,

Vinita, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated March 11, 1904, rejecting the applications for the enrollment of Robert, James, Fannie, Charles, William and Daisy Ross; John, Chester, Frank, Martha, Catherine, Curtis, Melvina, Pearl, Mattie and Eliza Smith; Emily Polen; Mary Blackburn; Jeff Dickson; James, Myrtle, Della, Minnie, Walter L., Ernest and Pearl L. Dalbert; Geneva and Faye Louder; John Louder, and Sam, Clarence, David, Charles and Helen Morris, do therefore stand affirmed by the Secretary of the Interior on December 8, 1904.

Respectfully,

SIGNED.

James Bixby,
Chairman.

COPY.

Cherokee Freedmen
D-474, et al.

Muskogee, Indian Territory, December 14, 1904.

Well, Hastings & Burroughs,
Attorneys for the Cherokee Nation,
Vinita, Indian Territory.

Gentlemen:

You are hereby advised that the Commission's decision dated March 11, 1904, rejecting the applications for the enrollment of Robert, James, Fessie, Charles, William and Daisy Rose; Jane, Chepter, Frank, Bertha, Catherine, Curtis, Melvina, Pearl, Matilda and Elmera Smith; Emily Nelson; Mary Blackburn; Jeff Dickson; James, Myrtle, Mahle, Minnie, Walter J., Annie-teen and Pearl L. Gelbert; Geneva and Fannie Lynch; John Lowmy, and Cera, Clarence, David, Charles and Nelson Morris, as Cherokee freedmen, was affirmed by the Secretary of the Interior on December 8, 1904.

Respectfully,

(SIGNED): *Tame Dixby.*
Chairman.

COPY

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

Land.
25430-1906.

March 28, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to invite your attention to the enclosed letter of the 19th instant from William O. Beall, Acting Commissioner to the Five Civilized Tribes, wherein he says that his office is in receipt by Departmental reference of March 10, 1906 (I.T.D. 2553-1906), for report and recommendation thereon, of two letters from Jane Smith of Lenapah, Indian Territory, dated February 26, 1906, one addressed to the President, and the other to the Hon. Thomas Ryan, Assistant Secretary, concerning the status of the citizenship and allotment selections in the Cherokee Nation of Emily Helen, Jane Smith and James Colbert.

In her letter Jane Smith says that, "People are filing on our lands, selling and leasing to Oil Co., and the Lenapah Oil & Gas Co. are now operating an oil well on our lands," and that they have been to the Commission to the Five Civilized Tribes and the Indian Agent for protection. She asks to be advised if the persons named will be allowed to file contest on their land, and if it is "in your power to protect us or stop this Lenapah Oil & Gas Co." She also

says that, "Our cases are yet pending and people are coming in and taking possession and going to work operating oil wells."

Reporting, Mr. Beall says that the records of the Commissioner's office show that applications were made to the Commission to the Five Civilized Tribes for the enrollment of Jane Smith and James Colbert and Emily Nolen (Nolen) as Cherokee freedmen; that their applications were embraced in the consolidated applications for the enrollment as Cherokee freedmen of Robert Ross, et al., in which the Commission, on March 11, 1904, decided adversely to all the applicants; and that on December 3, 1904, the Commission's decision was duly affirmed by the Department.

He also says that the land which these persons claim is not described and he is therefore unable to report on its status. The records of his Office do not show that Jane Smith and Emily Nolen have ever applied for land as their allotments in the Cherokee Nation. The records of the Commissioner do show, however, that on December 24, 1904, before the Cherokee land office of the Commission was notified of the Departmental action in the case, James Colbert appeared before that office and made application, with a view to instituting contest proceedings therefor, for the SW/4 of the NE/4 of the SW/4, and the W/2 of the SE/4 of the SW/4 of Section 18, Township 27 North, Range 15 East of the Indian Meridian, which land had theretofore been selected as a part of the allotment for Jennet Bowles, and the E/2 of the SE/4 of the SW/4, same Section, Township and Range, which had theretofore been selected as a part of

the allotment for Peggie Sanders; on behalf of his minor child, Myrtle Colbert, Lot 3 of Section 18, Township 27 North, Range 15 East, and the NE/4 of the SE/4 of Section 13, Township 27 North, Range 14 East, which had theretofore been selected as a part of the allotment for Eliza Ratcliff; on behalf of his minor child, Mabel Colbert, the N/2 of the NE/4 of the SW/4, and the SE/4 of the NE/4 of the SW/4 of Section 18, Township 27 North, Range 15 East, theretofore selected as a part of the allotment of Jennet Bowles; the E/2 of the SE/4 of the SE/4 of Section 13, Township 27 North, Range 14 East, theretofore selected as a part of the allotment for Joe Waterdown, and the E/2 of the NW/4 of the SE/4, and the NW/4 of the NW/4 of the SE/4 of Section 18, Township 27 North, Range 15 East, theretofore selected as a part of the allotment for Geneva Wofford, and on behalf of his minor child, Minnie Colbert, the West 18.47 acres and the East 20 acres of Lot 2, Section 18, Township 27 North, Range 15 East, theretofore selected as a part of the allotment for Ella Ratcliff, and the SW/4 of the SE/4 of the SW/4, and the E/2 of the SE/4 of the SW/4 of Section 13, Township 27 North, Range 14 East, theretofore selected as a part of the allotment for Ahnawake Waterdown.

Mr. Beall adds that the records of the Commissioner further show that on January 16, 1905, the application made by James Colbert for the land above described was cancelled and the land regularly allotted to the respective parties named, and certificates therefor have been issued; that the records of the Commissioner's office fail to show that any motion has been

filed for review or rehearing in these cases, and in the absence of anything to the contrary, it does not appear that Jane Smith, Emily Nolen or James Colbert have any claim to land in the Cherokee Nation.

In view of the report of the Acting Commissioner, I recommend that Jane Smith be advised that since she and the other persons in behalf of whom she writes are not recognized citizens of the Cherokee Nation, that they have no rights to Cherokee lands and cannot be protected in their occupancy of such lands.

Very respectfully,

C. F. Larrabee

Acting Commissioner.

AKH-Y.

D.C. 12735-1906.
K.T.D. 2852-1905.
6194-1906.

LRS

COPY

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

Y.P.
FHE.

April 4, 1906.

The Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

The Department is in receipt of the Acting Commissioner's letter of March 19, 1906, relative to two letters from Jane Smith concerning the status of the citizenship and allotment selections in the Cherokee nation of Emily Nolan, Jane Smith and James Colbert.

On March 30, 1906, you were advised of the filing of a motion to reopen the Cherokee enrollment case of Robert Rose, et al, with which were consolidated the cases of the parties above mentioned, and you were directed to take proper action to protect the applicants in such rights as they might have.

You will immediately advise all the principal applicants that they are at liberty to file contest, under the rules governing your office in similar cases, to protect their rights to any lands they may claim they would be entitled to in case a decision by the Department is rendered in their favor in the pending citizenship case. Advise W. J. Sullivan, of Muskogee, the party who filed the motion to reopen, hereof, and advise any adverse claimants, promptly, of the filing of any application to

contest, and also the U. S. Indian Agent, Union Agency, in order that he may be fully informed in the case of any matter coming before him involving the land.

A copy of Indian Office letter of March 28, 1906, submitting the Acting Commissioner's report, is inclosed.

Respectfully,

Thos. Ryan,

First Assistant Secretary.

1 inclosure.

Through the Commissioner
of Indian Affairs.

Cherokee
F R 650.

Muskogee, Indian Territory, April 11, 1906.

Mary Blackburn,

Mayden, Indian Territory.

Dear Madam:

In letter to this office of March 30, 1906, the Department advises that a motion had been filed to reopen the Cherokee freedman enrollment case of Robert Rose, et al., with which was consolidated your application for the enrollment of yourself and minor child as Cherokee freedmen. The Department in a letter of April 4, 1906, referring to said case, instructs this office as follows:

"You will immediately advise all the principal applicants that they are at liberty to file contest, under the rules governing your office in similar cases, to protect their rights to any lands they may claim they would be entitled to in case a decision by the Department is rendered in their favor in the pending citizenship case."

You are, therefore, hereby notified that if any land in the Cherokee Nation on which you have permanent and valuable improvements, and which you have heretofore held as your prospective allotments in the Cherokee Nation in the event you were enrolled as Cherokee freedmen, has been selected in allotment by other citizens of the Cherokee Nation, you will be permitted to appear before the offices of the Commissioner at the

Mary Blackburn-S.

earliest practicable date at which time your application to
institute contest proceedings therefor will receive due con-
sideration.

Respectfully,

CHL

Acting Commissioner.

Cherokee
P 2 514 of 21.

Washoe, Indian Territory, April 11, 1906.

Chief Clerk,

Cherokee Land Office.

Dear Sir:

There are inclosed herewith two copies of Departmental letter of April 4, 1906 (I.T.D.2002-1906, 2100-1906), in reply to this office letter of March 19, 1906, relative to two letters from Jane Smith concerning the status of the citizenship and allotment applications in the Cherokee Nation of Emily Wilson, James Smith, and James Gilbert. The Department refers to its letter to this office of March 30, 1906, advising that a motion has been filed to reopen the Cherokee Freedmen case of Robert Ross, et al., and instructs this office to advise all of the principal applicants in said case that they are at liberty to file content under the rules governing this office in similar cases, to protect whatever rights they may have to any land in the Cherokee Nation.

The Department also directs that W. F. Milliken of Washoe, Indian Territory, the party who filed said motion, be advised of the Department's instructions, and also to promptly advise any adverse claimants of the filing of any application to institute contest, and the U. S. Indian Agent, Union Agency, in order that he may be fully informed in the case of any sub-

Chief Clerk-2.

for coming before him involving the land.

The principal applicants in each of the Cherokee freedom cases included in the consolidated case of Robert Ross, et al., and W. J. Sullivan of Westmore, Indian Territory, have this day been advised of the Department's letter and notified of any land in the Cherokee Nation which they have heretofore held as the prospective allotments of themselves and family, should they be enrolled as Cherokee citizens, and on which they have permanent and valuable improvements has been selected for allotment by other citizens of the Cherokee Nation; they will be permitted to appear before the office of the Survey Commissioner at the earliest practicable date and their applications to institute contest proceedings therefor will receive due consideration.

Respectfully,

Encl. C-11.
OK

Survey Commissioner

Cherokee
P R 836 et al.

Muskogee, Indian Territory, April 11, 1906.

W. J. Sullivan,

Attorney for Robert Ross, et al.,

Muskogee, Indian Territory.

Dear Sir:

The Department in its letter to this office of April 4, 1906, referring to its letter of March 30, 1906, in reference to the motion to reopen the Cherokee freedman enrollment case of Robert Ross, et al., instructs as follows:

"You will immediately advise all the principal applicants that they are at liberty to file content, under the rules governing your office in similar cases, to protect their rights to any lands they may claim they would be entitled to in case a decision by the Department is rendered in their favor in the pending citizenship case."

You are advised that the principal applicants in each of the cases included in the consolidated case of Robert Ross, et al., has this day been notified that if land in the Cherokee Nation, which he has heretofore claimed as the prospective allotments for himself and the members of his family and on which he has permanent and valuable improvements, has been allotted in allotment by other citizens of the Cherokee Nation, he will be permitted to appear before the office of the Commissioner at the earliest practicable date and his ap-

W. J. Sullivan-2.

petition to institute contempt proceedings therefor will then receive due consideration.

For your information there is inclosed herewith a copy of Departmental letter referred to.

Respectfully,

Incl. GL-10.
OHL

Acting Commissioner.

FILED
JUN 5 1901

JUN 5 1901

ACTING CHAIRMAN.

CHEROKEE FREEDMEN.

Date. JUN 5 1901
 Post Office. Camden, S.C.
 District. X000000000

1. Name _____ Age _____
 Owner's name _____ Citizenship _____
 Year _____ Page _____ No. _____ District _____

Parents: _____
 Father _____ Citizenship _____
 Mother _____ Citizenship _____

2. Name of wife. Mary Blackburn Age 23

Owner's name _____ Citizenship _____
 Year. H. C. Page 146 No. 3618 District X000

Parents: _____
 Father John Rose Living Citizenship Sealed
 Mother Emily Holm " " Citizenship 4

Names of Children:

3. Jeff Dickson Year _____ Page _____ No. _____ Dist. _____
 4. _____ Year _____ Page _____ No. _____ Dist. _____
 5. _____ Year _____ Page _____ No. _____ Dist. _____
 6. _____ Year _____ Page _____ No. _____ Dist. _____
 7. _____ Year _____ Page _____ No. _____ Dist. _____
 8. _____ Year _____ Page _____ No. _____ Dist. _____
 9. _____ Year _____ Page _____ No. _____ Dist. _____
 10. _____ Year _____ Page _____ No. _____ Dist. _____
 11. _____ Year _____ Page _____ No. _____ Dist. _____
 12. _____ Year _____ Page _____ No. _____ Dist. _____

Application made by _____ No. _____
 Stenographer _____

on H. C. Roll as Mary Rose
 on Wallace Roll P. 127 No. 2864, Mary J. Rose X000 Dist
 Birth certificate required.

Ref. to H. C. Roll - 10511

Represented by Melville & Smith, Camden, S.C.

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

Mrs. Mary Blackburn,

Hayden I. T.

Cherokee-F-D-517.

Register.

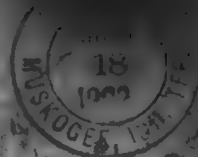
TAMS BIXBY,

T. B. NEEDLES,

C. R. BRECKINRIDGE,

Commissioners.

Not Affirm

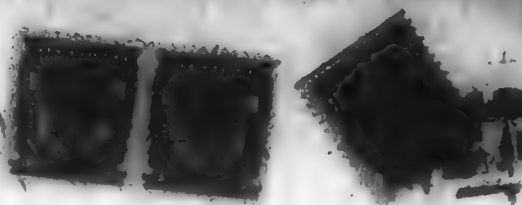


at of the
Commission to the Five Civilized Tribes
MUSKOGEE, IND. TER.
OFFICIAL BUSINESS.
Penalty for private use, \$300.

Mrs. Mary Blackburn,
Hayden, Indian Territory.

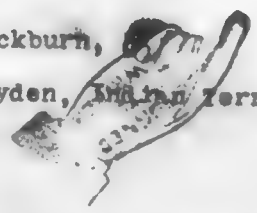
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Department of the Interior.
Commission to the Five Civilized Tribes
MUSKOGEE, IND. TER.
OFFICIAL BUSINESS.
Penalty for private use, \$300.

Mary Blackburn,
Hayden, Indian Territory.



REGISTERED
MAR 24 1907
MUSKOGEE, IND. TER.



Chen F.R. - 651

Chen F.R. - 651

Trans. from F.D 518

File with Cherokee Freedman D-

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T. May 9, 1901.

In the matter of the application of Aaron Webber for enrollment as a Cherokee Freedman.

Aaron Webber, being duly sworn and examined by Commissioner Needles, testified as follows:

- Q What is your name? A Aaron Webber.
- Q How old are you? A 36 I think.
- Q What is your post office address? A Wymer, Cherokee Nation.
- Q What district do you live in? A Cooweescoowee district.
- Q Do you apply to be enrolled as a Cherokee Freedman? A Yes, sir.
- Q Do you want to enroll anybody besides yourself? A Just myself.
- Q Have you ever applied to be enrolled by any other tribe or Nation besides the Cherokee Nation? A Yes, sir, the Clifton Court and the Wallace Court.
- Q The you apply to any other Nation, the Creeks? A No, sir.
- Q Never drew any money from any other Nation? A No, sir, I didn't.
- Q Have you been recognized by the Cherokee authorities as a Cherokee citizen? A Yes, sir.
- Q Is your name on the roll of 1880? A It is on this roll here Mr. Bledsoe has got here; I ~~came~~ come with my brother Sam Webber.
- Q Is your name on the roll of 1880? A No, sir.
- Q Did you ever draw your strip payment money? A Yes, sir.
- Q How much did you draw? A \$15.50, and then I drew this other payment, this last payment, I drew it.
- Q You drew the last payment? A Yes, sir.
- The 1880 authenticated roll of Cherokee Freedmen examined and the applicant not identified thereon.
- The 1896 census roll of Cherokee Freedmen examined and the applicant not identified thereon.
- The Kerns-Clifton roll examined, and the applicant identified thereon, page 126, No. 315, Cooweescoowee district.
- Q Were you a slave before the war? A Yes, sir.
- Q Who did you belong to? A Takie Webber.
- Q Was she a Cherokee citizen? A Yes, sir.
- Q Where did you go during the war? A Went to Kansas.
- Q When did you come back from Kansas? A Came back in 1866.
- Q You been living here ever since? A Yes, sir.
- Q Are you married? A No, sir.
- Q Ever been married? A No, sir.
- Q Got no children then? A No, sir, I haven't.
- Q You are certain you came back in 1866? A Yes, sir, I did.
- Q Who did you come back with? A Sam Webber and my father.
- Q Why is your name not on the roll of 1880? A Why I can't tell you about that.
- Q Did you ever try to have it put on? A Yes, sir.
- Q They refused to do it? A Yes, sir, must have, for it aint there.
- Mr. W. W. Hastings; attorney for Cherokee Nation: You say you returned with your brother Sam? A Yes, sir, I did.
- Q Did you come the first time he came out here? A Yes, sir, I did.
- Q What time of the year was it? A '66.
- Q That time in the year '66? A Well you see I can't read and I can't write, I didn't keep no count of the days and the months because my owner's didn't give me time to get my education.
- Commissioner: Was it in the fall or summer? A It was along in March when I came back in 1866.
- Mr. Hastings: Was it the March after the treaty was made? A Yes, sir.
- Q You are certain of that? A Yes, sir, I am.
- Q And you came back with him at that time? A Yes, sir.
- Q Did he bring his family along then? A Yes, sir.
- Q His wife and children? A Yes, sir.
- Q He had already been out there and put up a house? A Yes, sir, had come out before that and I come with him, and we put up a house and I came back with him in '66.

Q The first time you came back was in March after the treaty was made? A Yes, sir, that is when we moved there.

Q How long before that was it when you came out? A I can't give the days of the months, how long it was we came out, but we came and put up a house one fall and went back and came right on down.

Q About how long did you stay out here when you had put up the building? A We stayed three or four days and then went right back and moved down.

Q What kind of buildings did you put up? A We put up a log cabin.

Q Out on Big Creek? A Yes, sir.

Q How far from where Sam Now lives? A Sam lives on the north side of Nowata and we live up there on Big Creek, I can't tell you exactly how many miles, but he lives at Nowata and we live up there on Big Creek.

Q What old citizen lives near where you first located, where you first located when you first moved out? A There isn't anybody lives there now.

Q Name some old citizen who lives at the place now where you located then? A Sam Webber.

Q Does Sam Webber live at that place now? A He did live there but he don't live there now.

Q Who lives at the place Sam and you came to? A The Meigs and Whitmire and Sanders, and a whole lot of them.

Q You have lived there ever since? A Yes, sir.

Q You came out in wagons the first time? A Yes, sir, because Sam Webber drove the ox wagon and I drove the horse wagon.

Q Do you know anything about dates? A I know when they say the year is out, and this year is in.

Q What year is this? A If I am not mistaken I think this is May.

Q The year though? A I can't tell you exactly what year it is, because I am not educated like you smart men.

Q You are satisfied in '66 you came here in March? A Yes, sir.

Commissioner: Do you know when the treaty was adopted, know what month it was adopted in, the treaty; you told Mr. Hastings you came here the march after the treaty was adopted; you don't know what month in 1866 the treaty was adopted? A No, sir, I don't.

Q Have you got any witnesses? A Yes, sir, Sam Webber, and Abe Hare.

Sam Webber, being duly sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A Sam Webber.

Q What is your age? A About 58, somewhere near about that.

Q What is your post office address? A Nowata.

Q Are you a recognized citizen of the Cherokee Nation? A Yes, sir.

Q Your name on the 1880 roll? A Yes, sir.

Q Do you know Aaron Webber? A Yes, sir.

Q Is he any relation to you? A He is my brother.

Q Was he a slave? A Yes, sir.

Q To whom did he belong? A Takte Webber.

Q Was she a Cherokee citizen? A Yes, sir.

Q By blood? A Yes, sir.

Q Where was he during the war? A He was with us in Kansas.

Q When did he come back? A He came with us when we came back in July.

Q You came in July from Kansas and he came with you? A Yes, sir.

Q What year was that in? A In 1866.

Q He was a slave the same as you? A Yes, sir, same as me, with the same owners.

Q Ought to be entitled to the same rights you have got? A Yes, sir, have just the same right, belonged to the same parties too.

Mr. Hastings: Q What time of the year was it you say you brought him back? A We came in July and built houses and went back and moved down.

Q You had heard of the treaty passed? A We came right in the same month the treaty was made in because we overtook the delegates

at Fort Scott.

Q You had heard of the treaty before you left there? A As soon as we arrived at Fort Scott and talked to them, and they told us they had made a good treaty.

Q And you came on down and he came with you? A Yes, sir.

Q Did you bring your families at that time? A I didn't have any family then.

Q The rest of the people, they come along? A Yes, sir, I was small myself, I was with father, we came and built and went and moved some of them after that.

Q How long did you stay down there at this time? A I didn't stay long, I couldn't tell you just how long we really stayed, we didn't stay only long enough to find claims and cut logs and build shanties.

Q Who lives up there at the place that you located now? A Reuben Sanders lives right where I built my house, he is living there to-day.

Mr. Bell: Where did you start from when you started from Kansas down to Big Creek? A Started from a little creek six miles south of Mound, said to be about twenty miles north of Fort Scott.

Q Had you started to the Cherokee Nation when you came across these delegates at Fort Scott? A Yes, sir.

Q What was your notion about starting? A I had been down here and looked through the country and went back and told them the war was over here as well as everywhere else, and let's come home.

Q You hadn't started then with a view to saving your rights here under the treaty? A We didn't know nothing about the treaty, it wasn't made when we started as we knowed of, until we got to Fort Scott, and we saw the delegates.

Q What time was that? A Along in the last part of July, the last week in July, as near as I can remember.

Commissioner. When Aaron says he came in March he is mistaken? A He is mistaken, he don't know dates, he is not bright enough to know dates.

Abraham Hare, being duly sworn and examined by Commissioner

Needles, testified as follows:

Q What is your name? A Abraham Hare.

Q How old are you? A About 70.

Q What is your post office? A Wymer.

Q Are you a Cherokee Freedman? A Yes, sir, claim to be.

Q Your name is not on the roll of 1830, is it? A No, sir.

Q Were you a slave? A Yes, sir.

Q What was your owner's name? A Artie Hare.

Q Do you know Aaron Webber? A Yes, sir.

Q Was he a slave? A Yes, sir.

Q To whom did he belong? A Takte Webber.

Q Well, did you know Aaron Webber before the war? A Yes, sir.

Q Did he go out of the Cherokee Nation during the war? A Yes, sir.

Q Did you go out? A Yes, sir.

Q What made you colored people go out during the war? A We couldn't stay here.

Q Thought it was safer to go out? A Yes, sir, I had to go out.

Q Why couldn't you stay here? A They wouldn't let us.

Q Who wouldn't let you? A The Rebels and the Yankees neither one.

Q Where was Aaron Webber during the war? A He was with us his father up in Kansas.

Q When did he come back? A He come back in the fall of '80.

Q How do you know? A I come with him.

Q And you came at that time? A Yes, sir.

Q Have you known Aaron Webber since that time? A Yes, sir.

Q Has he always lived in the Cherokee Nation? A Yes, sir, lives right by me now.

Mr. Hastings: Your rights are disputed? A Yes, sir, same as his.

Q You were in here this morning, your name was presented?

A Yes, sir.

Commissioner: Aaron Webber applies for the enrollment of himself as a Cherokee Freedman. His name does not appear upon the authenticated roll of 1880, but does appear upon the Kerns-Clifton records. By reason of the protest of the Cherokee Nation the name of Aaron Webber will be placed upon a doubtful card awaiting further consideration of the Commission.

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereon.

Bruce C. Jones.

Sworn to and subscribed before me this the 10th of May, 1901,

C. R. Breckinridge,

Commissioner.

Department of the Interior
Commission to the Five Civilized Tribes,
Visita, I. T. October, 29th, 1901.

SUPPLEMENTAL TESTIMONY in the matter of the application of Joe Russ
C. F. D. 380.

Appearances:

W. W. Hastings for the Cherokee Nation;
Mollette & Smith for the applicant.

DOUGLAS WALKER, being first duly sworn by Commissioner C. R. Breckinridge, testified as follows for the Cherokee Nation.
(By the Commission)

Q Give us your full name? A Douglas Walker.

Q How old are you? A 50.

Q What is your past office? A Mount City, Kansas.

(By Hastings)

- Q How long have you lived in Mound City, Kansas? A Since May 1887.
- Q What was your father's name? A James Walker.
- Q What was your mother's name? A Minnie Walker.
- Q Was your father and mother here the first of the month? A Yes sir.
- Q They testified in this matter at that time did they? A Yes sir.
- Q Do you know Samuel Webber? A Yes sir.
- Q Did you know his son Samuel Webber? A Yes sir.
- Q Where did you know them? A Near Mound city, Kansas, in the neighborhood where I live.
- Q Do you know the applicant here, Joe Ross? A I knew him as Joe Webber.
- Q Is the the same fellow? (pointing) A Yes sir.
- Q Where was he living at the time? A He lived with the elder Sam Webber at the time.
- Q You know this applicant here is the same party? A Yes sir.
- Q Did you know a woman named Chitra? A Yes sir.
- Q What relation was she to Joe Ross? A Sister.
- Q Did you know Aaron Webber a little drunk fellow? A Yes sir.
- Q Where did you know him? A In the same family in Mound City, Kansas, Linn County.
- Q Whose farm did Samuel Webber live on, if you know? A He lived on a farm that belonged to a man named Jeff Flemmings.
- Q I mean in the year 1866? A My father bought the farm.
- Q Of whom did he purchase the farm? A Of Flemmings.
- Q Do you know where young Sam Webber was married? A He was married there in Linn County, near Mound City, in the neighborhood there, where I was living.
- Q Did he marry before or after he moved from that country? A Before he moved.
- Q Mr. Walker, have you looked up the date of when your father purchased that farm? A Yes sir.
- Q The date of the deed? A Yes sir.
- Q What was that date? A The date of the deed is October '66.
- (By Mr. Smith) Object to that if you have not the deed.
- (By Mr. Hastings) Have you looked up the date? A Yes sir, but have forgotten the exact date as to days.
- Q At that time, where was Sam Webber living? A On this farm that father purchased.
- Q Where was young Sam living, at the time he married? A On this farm on the same place.
- Q What is your best judgment as to the time Sam Webber, including Joe Ross, Chitra Grayson and Aaron Webber left that country with their women folks and come to this country? A According to my best recollection it was the latter part of February or early in March of '67, I can't state exactly the month, early in the spring of '67 though.
- Q Did they all move down at the same time? A All started together.
- Q Left there together? A Yes sir.
- (By Mr. Smith)
- Q You say you know that this applicant in this case is the same man that you knew at that time in Kansas as Joe Webber? A Yes sir.
- Q How did you know it? A I recognized his countenance as one man knows another.
- Q How? A Well I saw him.
- Q When? A To day.
- Q Where? A On the street.
- Q And you knew him as Joe Webber? A Yes sir, the name Joe Ross was not used much.
- Q When did you first become acquainted with old man Sam Webber? A In '63 he moved on that farm.
- Q Which farm? A The farm my father bought in the neighborhood where I lived, the old Flemming farm.
- Q When did your father buy that farm? A In the fall of '66, I have forgotten the exact day, in October or September.

Q Who owned the farm at the time old man Sam Webber was on it? A Jeff Flemming owned it until my father bought it.

Q How do you know it was '63 that you became acquainted with Sam Webber? A I remember that it was during the last years of the war and the refugees were coming into Kansas, both white and black, in '63 and they were amongst them.

Q Did any come after '63? A Yes sir some came later and some some earlier, and I remember again by this farm, I remember how long they farmed it before we got it.

Q How long? A Three years--four years in the spring of '67.

Q They farmed it four years before your father got it? A They farmed from '63 to '67.

Q You say the reason you knew that you knew this man in '63 was because you knew how long they worked this farm before your father got it? A Yes sir.

Q You say it was in September of 1863 that your father bought that farm? A In '66.

Q You are positive about that? A Yes sir we got possession the first of March '67.

Q Did old man Sam Webber rent this place from your father? A No sir he rented it from Flemmings.

Q Did Sam Webber, the old man and the boys, come down here or leave that country in the fall of '65? A I think not.

Q Don't you remember that they did and that the old man came back by himself one time? A If my memory serve me, it was in '66, late in the summer, or early in the fall of '66.

Q What was in the fall of '66? A That they came down here--started away from there.

Q Who came then? A Sam Webber, the old man, and young Sam and Aaron.

Q What is your recollection as to how long they staid? A They came back I think in November or late in October.

Q Well which came back first? A Why I think the older Sam Webber came first.

Q How long do you think it was before you saw Sam Webber Jr. again? A Well, it was a short time, a month or so--I can't recollect that, it is a good while ago.

Q Who helped Sam Webber make a crop in '66? A Johnson Webber and the old man Sam made a crop in '66.

Q Who helped him? A Them two and the little boys I think worked too; Aaron did, I don't know but as Joe did too, I don't remember much about that.

Q Where was old man Sam Webber in July 1866? A That summer he raised that crop and worked part of the summer for my father on this farm.

Q Is it not a fact that in July of 1866 that Sam Webber, Jr. came here for his father and that they left there for this country to build some houses? A That is not the way I remember it.

Q You have stated that it was a long time ago, do you think that you remember the date absolutely? A Not to the day or month exactly, but that is my best recollection.

Q Are you testifying to the best of your recollection? A Yes sir.

Q Do you remember of Sam Webber Jr. bringing any hides to that country? A Yes sir.

Q When was that? A In the fall or beginning of the winter of '66 and '67 he brought some hides and furs.

Q To refresh your memory, was it not in March? A March when?

Q '66? A No sir.

Q Upon what trip was that that he brought those hides? A He left and said he was coming down on a hunting trip.

Q Was that the trip when he left Kansas and when old Sam returned first that you spoke of a while ago? A Yes sir, that was the one, the same trip.

Q Do you remember of Sam Webber selling out a crop up here? A I don't.

Q Do you remember of them leaving there to come to the Territory to build some houses? A Yes sir.

- Q Was that after the time that he brought the hides there? A It was that trip that he left there for the purpose of building some houses that he brought the hides when he returned.
- Q Don't you remember of them leaving there to come to the Territory for the purpose of building houses? A Well that was wither in the spring or winter, in the latter part of February or early in March.
- Q I have not given the matter any considerable study.
- Q How do you fix the dates you have given? A I remember them and then by the dates I have looked up.
- Q What dates have you looked up? A The purchasing of this land.
- Q Are you testifying from the date of the purchase of that land? A Father bought the place in the spring of '66 on condition and paid \$80 down, or traded cattle, as a forfeit, and in the fall he got some money and got full possession of the place; Webber had possession until the first of March, that is in the Kansas law, from the first of March one year until the first of March the next year; they had possession of it until March first 1867.
- Q Mr. Walker, when you had occasion to investigate this matter, you had forgotten all about it practically hadn't you? A No sir, but it was something I had not thought much of.
- Q You couldn't have told on the moment what year Sam Webber left there could you? A I would have had to look at the dates.
- Q Then you are not testifying from your recollection, but from the dates that you have looked up since? A Part of it is from recollection and part of it is from looking up the dates.
- Q How long has it been since you thought of the time Sam Webber left that country before you made this investigation? A I was asked the question as to when they moved and I hadn't given the matter any thought till then.
- Q You didn't know then did you? A Yes sir after I thought it over.
- Q How long did it take you to think it over? A I don't exactly remember.
- Q Can't you give me some idea of it? A 2 or 3 weeks.
- Q Were you here when your father testified in this case? A Yes sir.
- Q Did you know as much about it then as you do now? A No sir.
- Q How long was that from the time you had first been spoked to about the date? A I had not expected then to give testimony in this case and had not thought much about it.
- Q What were you doing here then? A I was subpoenaed in another case.
- Q You had been talking about this case then? A Not much.
- Q How much? A A word or two.
- Q And you were here all the time your father and mother were her and yet didn't testify in this case? A Yes sir.
- Q You went back to Kansas? A Yes sir.
- Q And came back here again to testify? A Yes sir.
- (By Hastings)
- Q You were subpoenaed by the Cherokee Nation? A Yes sir.

(Continued by Stenographer J. C. Ragson).

Chas. von Weiss, being sworn states that as stenographer to the Commission to the Five Tribes, he reported in full the above cause and that the foregoing is a true and complete transcript of his stenographic notes therein.

Chas. von Weiss.

Subscribed and sworn to before me this the 9th of November, 1901.

T. B. Needles,

Commissioner.

The undersigned, being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes he made the foregoing copy and that the same is a true and complete copy of the original.

Ray Palmer

Subscribed and sworn to before me this the 10th day of August, 1902.

Francis J. Janss
Notary Public.

Before Commissioner Breckinridge, at Tahlequah, I.T., Supplemental C.F.D.-350, Joe Ross.

(By Stenographer: This following testimony was originally taken down by stenographer J.O. Rosson, and afterwards dictated by him to stenographer M.D. Green.)

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HENRY C. SHORT, being sworn and examined by Commissioner Breckinridge, testified as follows:

- Q Give me your full name? A Henry C. Short.
- Q How old are you, Mr. Short? A 48.
- Q What is your post office? A Mound City.
- Q In the Cherokee Nation? A In Kansas.
- BY MR. HASTINGS:
- Q How long, Mr. Short, have you lived in and about Mound City, Kansas? A Well ever since the spring of 1857.
- Q What was your father's name? A John Short.
- Q Were you living there in the years '66 and '67? A Yes sir.
- Q Were you living in town or in the country? A Living in the country.
- Q Do you know Douglass Walker that left the stand? A Yes sir.
- Q Did you know a colored man by the name of Sam Webber up there? A Yes sir.
- Q Do you know that young Sam Webber, his son? A Yes sir.
- Q Do you know Joe Ross? A Yes sir.
- Q This is the man there? (Pointing to the applicant.) A I wouldn't have known him unless he had been pointed to me. They always called him Joe; I don't remember about him being called Joe Ross up there.
- Q Have you talked to him? A Just spoke to him.
- Q Did he recognize you as being the man? A He recognized me as being Short by telling him who I was and where I was from; he claimed that he was one of the boys.
- Q Do you know Aaron Webber, a little duck legged fellow? A Yes sir.
- Q Where did you live in the spring of '66? A In Linn County, on Elk Creek, in Kansas.
- Q Did you live on the same place in the fall of '66? A Yes sir.
- Q Did you live in the same house? A I lived in the same house now that I moved into in the fall of '66.
- Q Well now what time in the fall did you move into it? A Well now it was the last of October or the first of November, I wont say which; along about in them times I moved, that is my folks moved; of course I was small, I moved there after that from the west part of the place to the east part of the place.
- Q Do you know where Sam Webber was at that time? A They lived then at that time in the fall of '66 they lived on the place known as the Fleming place, adjoining farms of ours.
- Q Were they living there when you moved? A That fall?
- Q Yes sir? A They were living there then.
- Q I will ask you what is your best judgment as to the time they moved with their families and left that country? A Well I could not say just how, for I have got nothing to fix them dates. The best of my judgment they left there in February.
- Q February now of what year? A Of '67, I would say that, but now I aint certain, I aint got no opinion about what time they left.
- MR. SMITH: Now I move to strike out the testimony to that effect, because the witness says that is his opinion.
- Commission: We will take it for what it is worth and let the Commission pass on it.
- BY MR. HASTINGS:
- Q That is your best judgment? A Yes, sir.
- Q That is your best recollection? A (No response.)

Joe Ross (imp'ly) 6

Q You said I believe you know that were there in the spring? A Yes sir, that is all I can state positively. I don't know how long they were there.

Q You know that by your notes? A Yes sir, that is the one thing I have got you know.

Q Do you know Joe's sister, Clara? A Yes sir, there was a girl there called Clara, I supposed it was Joe's sister.

BY MR. SMITH:

Q Mr. Short, how old were you in '65? A About 12 years old, September 5, 1865.

Q Now when were you first asked as to the time when Sam Webber left that country? A When was I asked first?

Q Yes? A I think it was last Sunday.

Q Tell you didn't know did you? A No, I don't know yet what day he left there at all.

Q Did you have that opinion then? A Yes, I have the same opinion I got now; it was the best of my opinion they left in the spring; I got nothing to say they did or did not.

Q Where was Sam Webber, Sr., in February 1865? A I don't know.

Q Where was he in October, 1865? A He was on the creek.

Q Did you see him? A Yes, he was there; he didn't move; he come down here and went back again in the fall; and the whole family was all there in the fall.

Q That was in the fall of 1865 was it? A Fall of 1865.

Q I am talking about 1865? A Well they was there too.

Q Did you see him? A Yes, of course they was there.

Q Of course, well how do you know, did you see him? A Yes I saw him.

Q Where did you see Sam Webber in the fall of 1865? A Oh I don't know; he worked some for us.

Q Did he work for you in the fall of 1865? A Worked for my grandfather some.

Q That young Sam Webber? A Yes, sir.

Q You say you knew young Sam Webber, the younger of the two?

A Yes, sir, I knewed young Sam and old Sam too.

Q Did you know young Sam Webber, called Sam Webber, Jr? A Yes sir, of course it has been a long time from the time I saw him, from the time he left there until I come down here; saw him the first time as soon as I moved there.

Q What did you say about his being a boy? A I suppose he was a young man, I couldn't say as to that.

Q What about Joe Ross, was he a boy? A Yes sir, Joe was younger than me if I am not mistaken. Wasn't much difference in the ages, but I think he was younger than me.

Q Now is it not a fact that Sam Webber and his father old Sam Webber and Aaron Webber came to the Cherokee Nation in the fall of 1865?

A I think not, I don't think they did; they was there in 1865 but they was going and coming all the time; they come down in 1866 and located.

Q They came in 1866 and located? A Yes sir, but they come back and got their family.

Q Do you know only that they were there in 1865? A I know they were there in '66.

Q You don't know what time in '65 they were there? A They were there before '65.

Q Well I am talking about '65; were they there in the spring of '65? A I couldn't say what time of the year; I think they were there all the time.

Q You don't know whether they were there all the time in 1865 or not? A No sir, I couldn't say that they was.

Q Do you remember Sam Webber Sr. and Sam Webber Jr. and Aaron Webber coming down to the Cherokee Nation at any time? A They come down in the summer of '65 I think, after crops was made; they come down here and they went back up there in the fall.

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Q Say no more than, please. A That's all right is the way I sign my name.

Q How old are you? A If I live to the end of next month I will be 87 years old.

Q What is your profession? A Farmer.

Q Is that in England? A Yes sir.

BY MR. NASH:

Q How far do you live from Mount City, Texas, now, Hick? A I live six miles.

Q How long have you lived in that neighborhood? A Ever since the spring of 1887.

Q You were living there then after the war? A Living there in the time of the war.

Q Do you know Mr. Walker, Douglas Walker, that has been on the stand? A Yes sir.

Q Do you know Mr. Short that left the stand here? A Yes sir.

Q Mrs. Hicks, did you know of some one death by the name of Sam Webber? A Yes sir.

Q How far did you live from him just at that time? A Well I think it was about 175 steps; they used water out of a well.

Q Did you know his son, young Sam Webber? A Yes sir.

Q Well did you know a little short one called Aaron Webber? A Yes sir.

Q Did you know a boy called Joe Ross? A Yes sir.

Q Have you seen any of these parties since you have been here this time? A No I don't see Ross down there; he said he knew me and come up and shook hands with me and I saw Sam Webber.

Q I will ask you to look if this is the same parties now? A Well I tell you Ross don't favor himself so much, but Joe he is just like his father and I knowed him because he is just like his father; well old uncle Sam was older than Sam is of course.

Q I will ask you if you had any deaths in your own family in the fall of 1888? A Yes sir.

Q What was the date of it? A The date of the death?

Q Yes, indeed? A Well it was October.

Q Did you make any record of it in your Bible? A Yes sir.

Q Is this your Bible? A I reckon it is; if you will let me look I will tell you.

Q Look at it and see if this is your Bible? A I think it is, but I can't read it, I haven't got my specs.

Q You haven't got your specs? A No sir.

Q Well of the family record here of births and deaths appear this: "Franklin Hicks, was born November 7, 1864." A Yes sir.

Q And under the column of deaths appears: "Died October 23, 1888." A That is correct.

Q Who was Franklin Hicks? A He was my son.

Q Do you know where Sam Webber was when your son Franklin died? A No sir, I could not tell you.

Q Don't know? A No I don't; you mean this Sam?

Q That man? A Oh, the old gentleman; he lived up there by me I think; I am most positively he lived there then.

Q Do you know where his wife was? A His wife died there.

Q Well do you know whether she was dead at the date of your son's death? A Yes sir, she died I think before he died; there was an old lady, they called her old aunt Rhoda, living.

Q She was living? A Yes sir.

Q Was she a member of this family? A Yes sir, she lived there with them.

Q Well do you know whether she was there during the sickness of your child? A Yes sir, she sat up with me several times, and if it was a bad night and she saw me and came in she would come and sit up with me.

Q Did you know a sister of Joe's called Chloa? A Yes sir.

Q Now I would like to have your best judgment Mrs. Hicks as to the time Old Sam Webber lived with his family and children from that country? A And

MR. SMITH: The applicant objects to the witness giving her opinion as to when this sickness took place, because it is just the subject of their report or opinion evidence.

Q. Well, answer the question? I asked him being there?

Q. I want to know, the question is, what is your best recollection as to the time Sam Webber and his family, when he left Kansas with his family?

OBJECTION to be applicant.

A. Well my best recollection was that, I would not be positive of course, but I think it was in February or March, one or the other. The best of my recollection, because the old lady, old aunt Rhoda and uncle Cy, that was her husband, they both was old and feeble and I think old uncle Sam stayed there on that account more than anything as long as he did.

Q. Well now that would be February of what year? A. He would be '67 wouldn't it?

Q. You lived then about 175 yards or there? A. Yes, sir, I could hear them sing over there and hear them laugh and talk to my house.

Q. Oh, what place were they living? A. Well they was living on Mr. Walker's place then.

Q. Had he recently purchased it? A. Yes sir.

Q. Do you remember who he purchased it of? A. I think it was a man by the name of Fleming; I think it was Fleming's owned it.

BY MR. SMITH:

Q. About how long, Mrs. Hinko, had Mr. Walker owned this place at the time these people lived there? A. Well I wouldn't answer that question.

Q. Well you could tell whether it had been a few months or whether it had been a year or two? A. It was, I suppose it may be quite a while I couldn't tell you.

Q. You remember that Mr. Walker owned a place there? A. Of course I know he had charge of the land, I think Mr. Walker bought it from Mr. Fleming if I ain't mistaken.

Q. And you know these Webbers were living on the Walker place? A. Yes sir.

Q. Well now what is your best recollection as to how long Mr. Walker had owned that place? A. I don't know, I won't pretend to say anything I don't know; I don't want to meddle with, I didn't come down here to criticize or anything about it; I want to tell the truth as far as I can.

Q. Where was young Sam Webber in December, 1866, and up until January or February of 1867? A. I could not tell you where he was, I think Sam worked out some around; I couldn't tell you whether he was at home all the time or not; I could not tell you.

Q. Where was young Sam Webber at the time your child died? A. I couldn't tell you that, this one?

Q. Yes? A. I don't know.

Q. He was not there was he? A. I don't know, I couldn't say as to that.

Q. Do you remember old man Sam Webber and young Sam Webber and Andy Webber and others leaving the community in 1866 and coming down to the Cherokee Nation? A. I recollect only Sam coming down here, I don't know, I want to be positive, I guess though it was in '66.

Q. Well about how long ago, your best recollection, before this date in the fall that you have spoken of? A. I don't know.

Q. Don't know? A. No I don't but I recollect about it, he brought me back some wood and game and such.

Q. Do you remember young Sam bringing some riders to the community?

A. No sir, I didn't observe anything with anything like that.

Q Now how far is that from the place where you were born?
A It's about 10 miles from the place where I was born.
Q Did you know whether it was the fall season or spring? A No, sir.
Q Well how is it you know it was the fall season or spring?
A I don't know.
Q And you don't know how long it was there?
A I don't know.
Q You couldn't be positive whether it was the fall or spring?
A I couldn't be positive.
Q You don't think that was it?
A I don't think that was it.
Q You can't state positively whether it was before or after Christmas?
A I can't state positively.
Q Where did you move from this place that you lived?
A I don't know.
Q How long have you been living at this place now where you lived when your child died?
A I have been living on the place ever since the spring of '57.
Q About how long did you remain on the place?
A I stay there yet.
Q Do you know how many trips Sam Webster made to the Cherokee Nation before this time that he came away from there the last time?
A No, sir.
Q You know of his coming one time?
A I know him and his father and I think Aaron, and I don't know whether Joe was along or not.
Q Well is this Joe?
A Well of course, oh that one, Joe Webster, that one sitting there?
Q Yes?
A I think it is.
Q Which one of them don't look familiar?
A That one, he was nothing but a boy when I knew him.
Q Which one, the one right here, the black one?
A Yes sir.
Q What is his name?
A Joe we always called him.
Q And what is this man right here?
A Sam, that is the way we always called him.
Q You think that is the man you know he there is Kansas?
A This Joe?
A I don't know, he says it is, he was nothing but a boy when I saw him.
Q You don't recognize him then?
A No, sir, I wouldn't know, he says he is the man, I used to think he was a very good boy when they lived there, but then he had grown out of my knowledge.
Q You don't know where old man Sam Webster was in July 1886?
A No sir.
Q You remember anything about young Sam Webster coming for the old man and the family in July 1886?
A Well he might have come after them but they didn't come down here in July.
Q You don't know when they did come?
A Why I think they came sometime in the latter part of the winter, but I say I would not be certain what month it was, in February or March.
Q You would be certain it was either of those?
A I say they left, I was there and was then start.
Q You would be certain it was either February or March?
A I think they did.
Q You think so?
A Yes sir.
BY MR. SPRINGS:
Q I was going to ask you if you knew about young Sam Webster marry-
ing? A They said he married, I didn't see it come.
Q Did you hear of his marrying up there?
A Yes sir.
Q Was that before or after he left?
A It was before they left.

JAMES SPEARS, being sworn and examined by Commissioner Goodbridge, testified as follows:

- Q Give me your full name? A James Spears.
 Q How old are you? A I am 45 years old.
 Q What is your post office? A Mound City.
 Q In the State of Kansas? A Yes sir, Mound City, Kansas.
 BY MR. HASTINGS:
 Q Mrs. Spears, was Mrs. Hicks who left the stand your mother?
 A Yes sir.
 Q How long have you lived in and about Mound City, Kansas. I mean in the neighborhood? A Well I came there when I was about a year old.
 Q And you have lived there ever since? A Yes sir, well since I have been married I have just moved one mile north.
 Q You moved a mile north of your mother? A Yes sir.
 Q Do you know Douglass Walker? A Yes sir.
 Q Do you know Henry C. Short? A Yes sir.
 Q Do you remember at an early date just before the war some colored people that lived up there; one of them by the name of Sam Webber?
 A Yes sir.
 Q Do you remember his son Sam? A Yes sir, I know him.
 Q Were you living with your mother at that time? A Yes sir.
 Q Did you know Joe, that was living with them, Joe Ross? A Yes sir.
 Q Have you seen any of these parties since you have been here this time? A I met them to-day.
 Q Talked with them some? A Well I just spoke to Joe; Sam I did not.
 Q Did he recognize you? A Well he let on as though he did; I don't know that he did; I suppose he heard we were here.
 Q I will ask you if this is your mother's family Bible? A Yes sir.
 Q That is the family record of the births and deaths? A Yes sir.
 Q I will ask you if you had a brother by the name of Franklin Hicks?
 A Yes sir.
 Q Do you remember the date of his death? A Yes sir, October 23, 1866.
 Q I will ask you if you know where the Webber family was living at the time he died? A Yes sir, they were living there.
 Q About how far from your mother's? A About 175 steps I suppose, in a cabin.
 Q Short distance? A Yes sir.
 Q Did you know Aaron Webber, a little short legged duck legged fellow? A Yes sir.
 Q I would like to know from you Mrs. Spears your best recollection as to the time old man Sam Webber left that country permanently with his family? A -

BY MR. SMITH: The counsel for the applicant objects to that question, because it is incompetent and calls for the opinion of the witness.

COMMISSIONER: The Counsel for the applicant has put a number of questions in the same form and asked as to their best recollection that exists; it is entirely competent to give the best recollection and belief in regard to the facts.

- Q My best recollection is that it was in the spring of '67, either February or March.
 Q Did you know whether or not young Sam Webber married up there?
 A Yes sir.
 Q Did you know whether that was before or after they left there?
 A That was before they left there.

BY MR. SMITH:

- Q Mrs. Spears, did you know of Sam Webber, Sr., leaving that country and coming to the Cherokee Nation, or leaving that country for the Cherokee Nation before the time you mentioned? A He came in the fall I think, or summer sometime and got a claim I think.

Q Well of what year? A '66, and that was that.

Q Now do you remember young Sam Webber coming back with reference to the time Sam Webber Sr. came back from the war when they returned from this trip looking for a place to make a home? A They came together.

Q Are you sure of that? A Yes.

Q There was Aaron Webber, did he come with them? A I don't remember very much about him.

Q You don't remember whether he did or not? A No, I can't be positive whether he came with them or not, when they came after their release.

Q Do you know whether the elder Sam Webber made the first trip to the Cherokee Nation after the war? A Well it was in the fall of '66, I guess, about that time, either summer or fall.

Q Either summer or fall? A Yes sir, sometime during the summer or fall.

Q Might not it have been the late spring? A No, it was not, because he made his crop there and then came afterwards.

Q Made a crop in '66? A '66.

Q What did he do with that crop? A I suppose he put it up here, disposed of it.

Q Do you know whether he sold it or not? A No I don't know whether he sold it or not, I think they fed it to their stock before they left.

Q Where was Sam Webber Jr. in December 1865? A I don't know where he was at.

Q Where was he in January and February of '66? A January or February of '66, I can't say.

Q Where was he in July of '66? A I don't know where.

Q Do you have any recollection of Sam Webber Jr. coming there after his father in July '66? A No sir.

Q Do you have any recollection of Sam Webber coming there at any time with any hides, beef hides or any kind of hides? A No sir.

Q Where was the old man Webber living in the year of 1866? A He was there living close to my mother's farm I speak of.

Q In 173 steps of you? A Yes sir.

Q And you don't remember of his coming there at any time off of a trip except the time he came back with his father? A He went to Fort Scott I guess, I never tried to keep any trace of his whereabouts.

Q Now what makes you think it was in February or March '67 that these people left there? A Well I have all reasons to believe that circumstances about it; well the old darkey had a cane patch and the darkey boys trapped on this land that winter.

Q Who did? A These darkey boys, the Webber boys.

Q Did what? A Trapped for game that winter on the patch of cane there we had left the seed on the corn.

Q That the winter that commenced December and ends February, December '66 and February '67? A It was all in that winter of course.

Q Well the winter is pretty well over by the last day of January isn't it? A Not always it ain't.

Q Well the bigger part of it; two months is gone isn't it? A No sir, not in our country.

Q How many months do you have in the winter there? A Some winters we have pretty hard and some winters we don't have much.

Q So that as a matter of fact the fact that they trapped there on your place during the winter would not of itself lead you to believe that they didn't leave there until February or March? A Well it was along toward spring they left; that is the best of my knowledge.

Q Now in that way do you fix the date, you speak of your people there, is that the way you fix the date, by that? A No sir, I fix it by memory, of course that is the way by the people, of this child death; they were there; that is, the family were, I don't re-

member so much about the men; there was an old lady that moved down here with the men that sat up with my brother in his sickness.

Q Do you remember Sam Webber bringing you any sassafras and spice switch up there? A Yes sir.

Q When was that? A That was the first time they came down.

Q When was it? A That was in '66.

Q What month? A I don't know.

Q Can you state within two months of the time? A No I don't know as I could.

Q Can you remember that as well as you could the other time? A (No response).

Q You know that they were gone from there before the spring of '67, and it must have been in '66 they brought the sassafras? A Yes sir.

Q What was it, sassafras roots? A Yes sir.

Q That must have been in the spring? A I don't know.

Q Well they don't make sassafras in the fall? A We used it for tea

Q It was not in the spring at all Sam Webber brought the sassafras?

A No sir, it was not; he didn't bring it at all, the old gentleman brought it.

Q Well now as a matter of fact do you remember any one of these people being there at the time your brother was sick and died except the old woman Rhoda? A Well this family was there on the place; I don't remember them being there.

Q Well if they were you tell me who you saw except Rhoda the old woman? A Well I don't know as I remember. There was Johnson's wife, of course I don't just remember who was there, I was just a child then; there was a great many of the neighbors in, but I remember the old lady, sitting up with my brother at the time he was sick.

Q Now isn't it a fact that the old lady Rhoda is the only one you remember being there at the time? A No sir.

Q Now who else was there? A Chiora was there.

Q Well now name some other one, all you knew that was there? A I don't know, I don't remember them, there was hardly any day but what they was there, some of them.

Q Well now what I want to know, who was there except this woman, Thoda? A I don't know anything about that.

Q You don't know? A No sir.

Q How many trips did the Webbers make down here to this country, do you know? A They came once and got claims and came back and went again.

Q All you know of? A Yes sir.

Q If they made others you don't know it? A No sir, I don't know anything about any more trips they made.

Q Now when was this entry in this Bible, the date of your brother's death, made, was that made at the time? A Just when he died?

Q Yes? A I don't know as it was, I suppose about the time.

Q Well about when, do you know who wrote that? A I know who wrote that?

Q That is what I am talking about? A This was drawn off from another Bible.

Q You don't think that this entry, "Lizzie Bell Lewis, born September 1st, 1868" is in the same handwriting that this is do you?

A No sir.

Q You don't know that this is in the same handwriting? A No sir, it is not.

Q Now who wrote that date, October 23, 1867? A Park Nichols.

Q Well now can you tell me how nearly at the time of your brother's death that entry was made? A No sir, I could not.

BY MR. HASTINGS:

Q How long has this Bible been in your mother's possession? A I can't tell.

Q Has this entry been in here a long time to your knowledge? A Yes sir, it has been several years.

Q It was in there long before any investigation came up wasn't it?

A Yes sir.

BY MR. SMITH:

Q Didn't Sam Webber and his father come down here in '66? A If they did I never missed them from home.

Q If they came here you didn't miss them? A No sir.

MARY A HIGGS recalled for additional cross examination.

BY MR. SMITH:

Q Mrs. Hicks, when was the entry upon this Bible you have with regard to the date of the death of your child made with reference to his death? A Well I don't just remember when it was; it was not long.

Q Was it put there at or about the time he died? A Why it was not long after he died.

Q Well give us your best judgment as to how long? A Well he died that fall and I don't know just how long it was.

Q Well was it as much as a month? A I won't say sir.

Q You can give some idea? A Well I tell you now, I won't say anything when I don't know anything.

Q I thought probably you might know better than I do, as I know nothing about it? A If I know when I set it down I would recollect it; I have had a good deal of trouble about it.

Q I don't want to cause you any trouble about it, but I would like to know, it is some importance in this case? A There was a young man working for us that set it down.

Q What was his name? A His name was Nichols.

Q Do you remember how long after your child died before Nichols went to work for you? A No sir.

Q Well when it was set down what was it set down from, your recollection? A Why I had a husband then and all of us recollected it, who wouldn't recollect it?

Q I am asking you how long it was before this entry was made, if you can tell me? A I don't know when.

Q Do you think it was as much as two years? A No sir.

Q It was not? A No sir, if I should guess at anything about it I should think it was along in the summer sometime, I should think now; afterwards this young man was breaking prairie and of course he broke it in the winter.

Q Was this the first place it was made where it was made here in this Bible? A Yes sir.

MR. SMITH: If the Court please, I want to show by the title page of the Bible that it was not published until in 1869.

COMMISSIONER: The title page has been examined and it shows that the edition of the Bible in evidence was published in Philadelphia in the year 1869.

BY MR. HASTINGS:

Q Do you remember, independent of the Bible, of the dates of your son's death? A Yes sir.

Q You didn't attempt to give distinctly when that entry was made in your Bible? A No sir.

Q You so stated? A Yes sir.

BY MR. SMITH: I object to that; it is leading.

BY MR. HASTINGS:

The Representatives of the Cherokee Nation ask that the testimony of Sam Webber, recalled, in the case of Jefferson Ross and others, Freedman D-372, be made a part of the record in this case.

COMMISSIONER: It is ordered that the testimony just taken be filed as supplemental testimony in Cherokee Freedman Doubtful case 296, the same being the case of Clara Grayson, and it will likewise be filed in Cherokee Freedman Doubtful case 216, the case of Aaron Webber, and in Cherokee Freedman doubtful case 350, the same being the case of Joe Ross.

It is further ordered that a set of all the testimony

Testimony of M. D. Green

given by M. D. Green, who has been in Doubtful case 872, the case of the Cherokee Freedmen, as filed in case 872, Cherokee Freedmen, and in Cherokee Freedmen D-216, and in Cherokee Freedmen D-216, of Aaron Heber.

M. D. Green, being first duly sworn, states that he stenographer to the Board of the Five Civilized Tribes he correctly recorded the proceedings and testimony in this case, as directed to him by the stenographic notes of JOHN O. ROSS, by said Board, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

M. D. Green.

Subscribed and sworn to before me this November 10th, 1901.

J. S. Starr,

Notary Public.

SEAL.

File No. 2, Cherokee Freedmen, S.

Department of the Interior
Commission to the Five Civilized Tribes
Wash., D. C., May 28, 1901.

In the matter of the application of Miss M. M. Mingo for enrollment as a Cherokee Freedman, she being sworn by Commissioner C. E. Brockmeyer, testified as follows:

- Q What is your name? A Elizabeth Mingo.
Q How old are you? A I don't know my age.
Q What day are you? A I was four years old when we came here with the old settlers.
Q Was that when the Cherokees first moved to this country from the old nation? A Yes sir.
Q How old were you about 70 years old now wouldn't it? A Yes sir.
Q What is your last name? A Centralia.
Q In what district do you live? A Coconino.
Q Do you want to be enrolled as a Cherokee Freedman? A Yes sir.
Q Do you want to have enrolled besides yourselves? A No.
Q Have you any children under twenty-one years old? A No sir.
Q They will have to apply for themselves then? A (No response).
Q Have you a husband? A No sir he is dead.
Q How long have you been married? A Yes sir.
Q Have you lived here ever since you came with the Cherokees in 1838? A Yes sir.
Q How long have you been called Mingo? A Ever since I was nothing but a girl.
Q Were you married to a man named Mingo? A Peter Mingo.
Q Is he dead? A Yes sir, five years ago in September.
Q Was he a Cherokee Freedman? A Yes sir.
Q Were you a slave in the Cherokee Nation before the war? A Yes sir.
Q To whom did you belong? A Reuben Daniel.

The 1880 authenticated roll of the Cherokee Nation examined and the applicant's name not found thereon.

- Q Are any of your family on that roll that you know of? A Yes sir, Alice Sanders is on it, and is a daughter of mine, Alice is.

The 1880 authenticated roll of the Cherokee Nation examined and the name of the applicant's daughter identified thereon as follows:
Page 176, No. 1308, Alice Sanders, Coconino district.

The 1886 census roll of the Cherokee Nation examined and the name of the applicant not found thereon.

- Q Did you draw your Cherokee strip away? A Yes sir.

The Kiam-Charter roll of the Cherokee Nation examined and the name of the applicant found thereon as follows:
Page 100 No. 2512, Miss Mingo, Coconino district.

- Q Did you ever go by the name of Daniel? A Yes sir when was my others.

The Wallace roll of the Cherokee Nation examined and the name of the applicant found thereon as follows:
Page 182, No. 40, Elizabeth Daniel.
NOTE: Wife of Peter Weiss.

Wallace roll of the Cherokee Nation examined and the name of the applicant found thereon again as follows:
Page 151, No. 2748, Elizabeth Yeige, Coowasseeowas district.

- Q Where were you during the Civil War, did they take you out of the Cherokee Nation? A I was at Fort Scott during the war.
- Q When did you come back? A In the winter of '65.
- Q What time in the winter? A Well it was in the winter.
- Q Was it before Christmas, or after Christmas? A My husband was down here in the Christmas.
- Q When did he bring you down? A In the winter after he went from here on Big Creek.
- Q He came ahead of you then? A Yes sir.
- Q What time did he leave Kansas? A I cannot tell you when he first came.
- Q Did he leave Kansas before Christmas? A Yes sir he came here in the winter of '65.
- Q Did he leave Kansas in the winter? A Yes sir.
- Q Was he down here when Christmas came? A Yes sir.
- Q Do you know how long it was before Christmas before he started to come here first? A No sir I dont.
- Q How long was it after Christmas before he got back to you in Kansas? A Directly after Christmas.
- Q How long after Christmas before you and he started down here together? A Directly after.
- Q He spent Christmas that year in the Cherokee Nation by himself? A Yes sir my husband did.
- Q What members of your family came down with you and your husband? A These children.
- Q Did you bring your child Alice Sanders with you? A Yes sir.
- Q All the children? A Yes sir.
- Q Can you explain why you are not on the roll of 1860? A No sir.
- Q Do you know why you are not on that roll? A No sir I dont know nothing about the rolls.

By W. W. Hastings, Cherokee Representative:

- Q Auntie, what provisions did your husband make after he had been to the Cherokee Nation, to come down here with his family? Did he sell off what you had in Kansas? A Yes sir what little we had, we never had much to sell.
- Q Where were you living in Kansas then? A Fort Scott.
- Q About how long did it take him to get ready to come to the Cherokee Nation after he went back up there? A No time after he got back till we all came here.
- Q Was it as much as a couple or three weeks? A Yes sir I guess so.
- Q And then you started down here? A Yes sir.
- Q Was it in the spring of the year when you reached here? A No sir in the winter.
- Q The trees were not budding out then on the trees when you and your husband and children got here? A No sir there werent no buds nor nothing on the trees, it was winter I tella you.
- Q You all came in wagons did you? A Yes sir.
- Q Who came with your husband down here when he first came? A Old man Alice Sanders.
- Q Who else? A Reuben Sanders.
- Q Who else? A Daniel Sanders.

- Q Any one else that you remember? A There was little Sam Webber and old man Sam Webber.
- Q Any other Webber's? A Aaron Webber.
- Q Did any one else come down? A I dont remember any one else now.
- Q Were you there when they started down? A We all come together I am a telling you.
- Q But I mean when your husband come on in advance of you. Who came with him then? Did these parties that you have named come with your husband when he first come down? A Yes sir.
- Q You were at Fort Scott then? A Yes sir.
- Q And they all started together? A Yes sir.
- Q These that you have named are all the you can think of at the present time? A Yes sir.
- Q Did they come in wagons or on horse-back that time? A They come in wagons when they first come.
- Q And after Christmas you all came down did you? A Yes sir.
- Q Did you come in wagons then? A Yes sir.
- Q Did you come by a little place called Chatopa? A Yes sir.
- Q Where did you come to in the Cherokee Nation? A I come right where I am living yet when I come to the Cherokee Nation.
- Q And you are living there yet? A Yes sir, that old house was built in '66.
- Q What house? A That one we is living in.
- Q And you are living at the same old place? A Yes sir, in the same old house.
- Q On what creek is that? A Big Creek.
- Q Was any one living on Big Creek when you came there besides your own crowd? A No sir, down on Verdigris there was some living.
- Q You were the advance family or crowd that came to Big Creek were you? A Yes sir, we was the advance guard.
- Q Did you see any one from Chatopa along the road through the Nation to Big Creek when you came there? A No sir.
- Q Did these people who first come down with you husband return with him and then come down again when your family all came after Christmas? A Yes sir.
- Q You all came back together? A Yes sir.
- Q Now Auntie, did any additional people--any other families come down with you? A I dont know who all come down, I am just a telling you what I know.
- Q There was Daniel Sanders, and Reuben Sanders and there was Mike Sanders, and Sam Webber, old and little Sam, they all came with you? A Yes sir.
- Q Did Aaron Webber come? A Yes sir.
- Q And your family? A Yes sir.
- Q Are there any that I missed? A That is all that I gave you.
- Q Is that all that come? A Aaron Wright come with us.
- Q The else? A (No response).
- Q Were there any others at all? A I am a telling you all that I can think of now, it has been a long time for an old woman like me to remember all that come.
- Q You come to the place that you are living at now did you? A Yes, sir and has lived there ever since.
- Q Have you any Cherokee neighbors there now that were old residents? A No sir, there was some lived on Verdigris when we come there.
- Q Who? A Lucia Riley was there on Verdigris, but not where we was living.
- Q How far from where you settled? A I dont know how far.
- Q Was it as much as 4 or 5 miles? A As much as ten miles if you guess at it right.
- Q Were they the closest residents to you at that time? A Yes sir.
- Q Were there any Delaware Indians there when you come there? A No sir I never saw none.

Q Any Osages? A No sir, never saw none.
 Q You didn't see any body on Big Creek, neither white or black, except those that came with you? A That is all.
 Q And you have been there ever since? A Yes sir, ever since we moved there.
 Q You say your husband Peter Muigg built a house there? A There a log house there and he bought the house and we moved to it.
 Q Who built the house if you know? A Henry Harold.
 Q Was he a colored man? A Yes sir.
 Q Is he living? A I don't know if he is or not.
 Q Some 3 or 4 years after you came down here your husband went to Taklequah before the court, didn't he, to see about his citizenship?
 A Yes sir.
 Q They didn't admit him then did they? A I don't know sir.
 Q You know he was disputed? A I don't know nothing about it, I never paid any attention to any such things as then then.

By the Commission:

Q Were you ever admitted by the Cherokee or United States court or Commission? A I don't understand what you say.
 Q Did you ever have your right to be enrolled as a Cherokee citizen before any kind of a court? A Yes sir my husband enrolled me before he died.
 Q I mean in court? A That is what I am telling you.
 Q You know what a court is don't you? A Yes sir.
 Q What court do you know? A Henry Clifford court.
 Q Any other court that you know of? A I know of the Wallace court.
 Q Any other? A No sir.
 Q Did he ever have anything done about his citizenship by the Cherokee Council? A I don't know what was done, a man went there every year or two but I don't know what was done there.
 Q How long did it take you and those people to come from Kansas to the Cherokee Nation? A I don't know how long we were on the road.
 Q Have you any witnesses with you that you want to introduce?
 A Yes sir.

RUBEN SANDERS, called and sworn by Commissioner C. H. Breckinridge, testified as follows on the part of the applicant.
 (Examined by the Commission).

Q What is your name? A Ruben Sanders.
 Q How old are you? A I suppose I am about 30.
 Q What is your post office? A Centralia.
 Q How long have you lived in the Cherokee Nation? A All my life.
 Q Were you a slave in the Cherokee Nation when the Civil war broke out? A Yes sir.
 Q Who did you belong to? A James Sanders.
 Q Were you taken to Kansas during the war? A Yes sir.
 Q You have a wife named Alice have you? A Yes sir.
 Q How long have you and she been married? A About 30 years perhaps more.

The 1880 authenticated roll of the Cherokee Nation examined and the name of the applicant's son-in-law identified thereon as follows:

Page 178, No. 2687, Reuben Sanders, Ocoee district.

Q Did you ever have to carry the question of your citizenship before any court? A Yes sir.
 Q What court? A The Chambers court.
 Q Is that the only one? A Yes sir that is the only one; I was admitted by the Chambers Court.

Q Where was it sitting? A At Tahlequah.
 Q In what year was that? A I cannot tell what year it was.
 Q Your citizenship had been disputed had it? A Yes sir.
 Q When was your right to citizenship first disputed? A It was during the time that Thompson Oochelita was chief.
 Q Was that before the 1880 roll was made? A Yes sir.
 Q Did the court decide in your favor? A Yes sir.
 Q Was there any dispute made then about your being put on the 1880 roll? A No sir.
 Q Were you required to show a copy of the decision of the court in your favor when you went to enroll in 1880? A No sir.
 Q Did they ask you any questions when you went to be enrolled in 1880? A Yes sir.
 Q Where did they take your name? A I was in Goose-neck Bend, at the time.
 Q Do you know the applicant Elizabeth Meigs? A Yes sir.
 Q Your wife is her daughter? A Yes sir.

By W. W. Hastings:

Q Peter Meigs' citizenship was disputed the same time yours was? A Yes sir.
 Q Did he go before the court at the same time? A No sir, I think not.
 Q His wife's citizenship was also disputed? A I judge so.
 Q Did she go down before that court? A Not to my knowledge.
 Q Did he go down to Tahlequah to the court before that time? A Yes sir I think he went down to the Bob Daniels court, think he went with my father.
 Q Was Bob Daniels Chief Justice of that court? A Yes sir.
 Q Just a few years after the war? A Yes sir.
 Q In '71 wasn't it? A Yes sir.
 Q Was any action taken in that court? A I don't know.
 Q You were not there yourself? A No sir.
 Q You were about 15 or 16 years old when you come back? A Yes sir I guess so, I don't exactly know how old I was.
 Q You were not married then? A No sir.
 Q How long long after you got back before you married? A Not very long after I got back.
 Q Did you marry on your way down here? A No sir.
 Q How long had you been here before you married? A I have been married twice.
 Q How long had you been here before you married the first time? A. A Not very long.
 Q As much as a year? A May be so.
 Q Is that your best judgment? A My best judgment is perhaps that it was that long.
 Q When were you married to your present wife? A Upwards of 30 years, or so.
 Q How long did you live with your first wife? A Not very long, she died.
 Q A year? A Perhaps it was, maybe a little longer.
 Q Then you married your present wife? A Yes sir.
 Q When you came to the Cherokee Nation how did you come the first time? A In wagons.
 Q The first time? A Yes sir.
 Q Who came with you? A Several were on horse-back; it is beyond my knowledge how many there were.
 Q Tell all you can remember? A We made a trip in August and one in October and then we moved here in the winter.
 Q Did you come in August? A Yes sir.
 Q Who came with you then? A Some of this family, Peter Meigs and got his place; the heads of these families.

Q Who else came with you? A My brother Dan and Mr. Whitwires.
 Q Which ones? A Several.
 Q Which ones? A Meigs and Dennis, and the Webbers.
 Q Same then? A Old man Sam and younger Sam and little Aaron, and a man named Abe Thurman, and Abe Hair, and I don't know who else, I don't know who all came.
 Q Who came when you came in October? A I don't know who all came then, some of that same crowd and some more came in October.
 Q Do you remember any additional persons? A To the best of my knowledge the Smith family.
 Q What was his first name? A Old man Osear Smith.
 Q You came in both of the detachments yourself? A No sir.
 Q Which one did you come in? A I came in August.
 Q You didn't come in October then? Yes sir, I came when we first came; we brought some of our farming utensils when we came in August and left the on the creek.
 Q On Big Creek? A Yes sir.
 Q Where Mrs. Meigs lives? A Yes sir.
 Q And you returned in October, how long did you stay in October.
 Q We all didn't return in October, we didn't all go back; some staid in August, some staid and some came back; some of us brought our things with us and some came to look out homes, we all come with the intention of making our homes here.
 Q When did you afterwards move here the last time? A In the winter of '66 is when we come down here the last time.
 Q What time in the winter? A Long in January.
 Q You mean in '67.
 Q No in the winter of '66.
 Q If you came here in the August and October of '66 and then returned for your families and come back here in the following winter, in the following January or February, that would be in '67? A I don't understand you; we came here in the winter of '65 is what I said, in January after we had first been here in August and October, we came right to where Mrs. Meigs is living now.

By the Commission:

Q You say you first came here in August of '66? A Yes sir.
 Q That was your first coming was it? A Yes sir.

By Hastings:

Q When you moved here permanently, tell all that you possible can remember of who came with you in the January or February following?
 A This family is one, her, the Meigs family, Peter Meigs, Elizabeth Meigs, Mary Meigs, George Meigs, Simon Meigs, Harriett Meigs, Perry Meigs, that is all that I can remember of that family.
 Q I don't mean only of that family, there were other families were there not? A Old man Billie Forman.
 Q Who else? A He had several children.
 Q The heads of families I mean? A Fannie Sanders; I don't recollect them all; I don't know as I can call the names of all of them.
 Q Were any of the Webbers along? A Yes sir.
 Q Old man Sam and young Sam? A Yes sir; I would not pretend to call them all over as I had forgotten them Webbers and so I can't remember for if I has forgotten them I don't think I can remember any of the others.

By the Commission:

Q Did old man Sam Webber come? A Yes sir.
 Q Did his son Sam come? A Yes sir.

Q Don't you remember any one else? A Rachel Pedlar.
 Q Do you think of any one else? A No sir.
 Q You know that it was a mooted question before the Kerns Clifton Commission as to who came at this time and as to when you came? A. I haven't been interested as to anyone except for myself.
 Q You know that there is a question about who came don't you? A Yes sir I guess I do.
 Q You say you came to Big Creek? A Yes sir.
 Q Did you come by the way of Chatopa? A Yes sir I guess that we did, I don't know that they called it Chatopa then, there was a house or so there.
 Q Did you cross the river there? A That river.
 Q Neosho? A No sir.
 Q You didn't cross at the Gilstrap ferry? A No sir we crossed 20 or 30 miles from there.
 Q You came through what is Chatopa and came on west through the prairie? A We may have.
 Q You were in Wagons? A Yes sir.
 Q Were there any persons living on any of that country from Chatopa west, out to Big Creek except your own people who had come in August or October before that? A I have no knowledge of any one living there before that.
 Q Were there any houses there except those that your crowd built? A I don't know of any houses, but there were foundations for them on Big Creek.
 Q Then the houses were not built before you moved there with your families? A Yes sir some were, there there were logs on some up 8 or 10 logs high.
 Q Then there were none really completed until you moved there with your families? A No sir.
 Q Did you make a crop there the first year that you moved there? A Yes sir as near as we could with one horse plow and hoes.
 Q Do you know Jim Martin? A Yes sir.
 Q How far does he live from you now? A 4, 5 or 6 miles.
 Q Was he living there when you people moved there? A No sir.
 Q He had a brother names William Martin? A Yes sir.
 Q Was he living out there then? A No sir.
 Q There was an old man by the name of Carter living out there then, wasn't there? A No sir; there was an old man named Carter living 20 miles perhaps from there quite a while after we come there.
 Q Was his name Dick Carter? A I think it was.
 Q You say he lived some 20 miles from there? A Yes sir 20 miles below, on the Verdigris river. He come some time after.
 Q Do you know if that ferry that you crossed the Neosho river was called Gilstrap ferry? A No sir we never crossed on Gilstrap ferry.
 Q There were no farms made there when you passed through--no citizens had farms up there? A No sir none that I saw.

By the Commission:

Q You stated, I believe, that the first time that you come to the Cherokee Nation after the Civil war closed was in August of '66?
 A Yes sir.
 Q For what purpose did you come back then? A To make it our home; the proclamation had told us to come home, that it was open for us to come.
 Q You didn't bring your families with you then? A Only part of them and some things that we had.
 Q Part came with their families and part came to prepare for their families? A Yes sir.

Q What were you with you on that first trip? A This family, the Meigs family, not all of them made boats, but the big one Meigs, Peter Meigs.

Q You didn't bring your family with you at that time did you? A No sir.

Q Did Peter Meigs bring any of his family then? A No sir.

Q Did you go back to Texas after that? A Yes sir.

Q When did you bring your family? A Our family came in October.

Q When did Peter Meigs go back to Texas? A I think with my father.

Q You came yourself in August? A Yes sir, with my father.

Q You went back to Texas after that? A Yes sir, my father went there and I went with him.

Q When did Peter Meigs go back? A He went with the crowd.

Q Did he go with you and your father? A Yes sir.

Q When you returned to the Cherokee Nation again in October? A Yes sir.

Q Did your father come with you? A Yes sir.

Q Did any of the members of your own family come with you? A No sir, not all of them came in October.

Q When did Peter Meigs go in October? A He came with us at each trip.

Q Did he go back to Texas with you? A Yes sir.

Q And did you come back here to the Cherokee Nation in October? A Yes sir.

Q Did Peter Meigs come back with you to the Cherokee Nation in October? A Yes sir.

Q Did he come the second time that Peter Meigs had been here? A Yes sir.

Q When was Peter Meigs in Christmas of '65, do you know? A No sir, I don't exactly know where he was in Christmas of '65.

Q When Peter Meigs got back to the Cherokee Nation with his family did he settle in the Cherokee Nation near your family? A Yes sir, not far apart.

Q Two or three hundred yards apart.

Q Did he then go back to Texas for his family after he made that October trip with you? A No sir, he went back after something to eat.

Q You stated that he brought his family the last time in February, when did he go back after his family? A The third time he brought his family.

Q You stated that he brought his family the last time in February, when did he go back after his family? A The third time he brought his family.

Q When did you come? A In the winter.

Q Was it in February? A Just before then in December.

Q What about that February trip you spoke of? A It was in the winter some time, and on the ground.

Q Did your father come on that trip? A Yes sir.

Q Your mother? A Yes sir.

Q Peter Meigs? A Yes sir.

Q His wife? A Yes sir.

Q That was your third trip? A Yes sir.

Q Was that your last trip? A Yes sir.

Q When did your wife Alice come? A Come then.

Q On that third trip? A Yes sir.

Q You say Peter made all three trips with you? A Yes sir.

Q Every time you came he came? A Yes sir.

Q Even when you went back to Texas he went back? A Yes sir, that is to the best of my knowledge.

Q Did he go there by himself? A No sir.

Q Do you remember distinctly that you came here in August the first time? A Yes sir.

Q Do you remember distinctly that Peter came with you in August and October? A Yes sir.

Q Do you remember distinctly that he came with his family when you made your third trip? A Yes sir.

Q With his family? A Yes sir.

By Com'r Breckinridge,-

The applicant states that she was a slave in the Cherokee Nation from the time the Cherokees moved to the Indian Territory in 1837 until she was liberated by the Civil war. She is identified on the Kerns-Clifton roll and on the Wallace roll, but not on the 1890 roll or upon the roll of 1896. The testimony indicated that her husband first returned to the Cherokee Nation after the war, coming from Kansas in August of 1886, that he came at that time to prepare for the bringing of his family back to the Cherokee Nation. He is now deceased, but he and the applicant were married at that time and had several children. The testimony further indicated that the applicant's husband made a trip back to Kansas in October, but not with a view of relinquishing his purpose to bring his family to the Cherokee Nation, but apparently to get provisions. It further appears that he returned to the Cherokee Nation with his wife and children in the following month of February. There is some conflict of testimony in regard to this matter, but so far that is the weight of the testimony. It also appears that proceedings may have been had by some Cherokee Court, either a citizenship court or the Cherokee Supreme Court, prior to the date of the Chambers Court, affecting the citizenship of this applicant and her husband and all those who may claim through them. It will be necessary to make further inquiry upon this point, and if possible to get an official copy of the record. Under these conditions, the applicant will now be listed for enrollment on a doubtful card and the final decision of the Commission will be made known to her at her post office address.

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Chas. von Weise, being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes therein,

Chas. von Weise.

Subscribed and sworn to before me this the 29th of May, 1901 at
Chelsea, I. T.

T. B. Needles,

Commissioner.

SUPPLEMENTAL:

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T., May 22, 1901.

In the matter of the application of Elizabeth Meigs for enrollment as a Cherokee Freedman;
REUBEN SANDERS, having been before sworn by Commissioner Breckinridge, testified as follows:

Q Give your name? A Reuben Sanders.
Q How old are you? A I am only about 50 years.
Q You gave testimony just now in the case of Elizabeth Meigs?
A Yes sir.
Q And you want to correct a statement you made there? A Yes sir, I wish to make the statement that it was in January, 1867 when we made the last move, about the first of the month; it was the following August in 1866, we had been here in August you know, in '66 and in October, and we made the last move in '67, January, and I put it down February I think; I wanted to say January.
Q How do you find out now it was January instead of February?
A It was just after Christmas that we was on the road coming down.
Q How long after Christmas? A Perhaps a week after Christmas; my reason for stating this is this, along Christmas - a few days before Christmas there was a man got killed named Hayford, and there was a gentleman killed him, a colored man killed that man Hayford, a man by the name of Mackey, and we started then right shortly after that killing was, and the parties followed us, thinking he was with us, in our crowd, that was just the following - a few days after Christmas, a week, or after Christmas.

Examined by Cherokee Representative, W. W. Hastings:

Q How old are you? A Well I just don't know my age exactly, I suppose that I am about 50 years old; something in that line.
Q Where did you say that killing took place? A In Kansas.
Q Fort Scott? A Yes sir.
Q And the man that was accused of the killing was named what? A Named Mackey.
Q You remember his first name? A No.
Q You remember the man who was killed, you get his first name? A No sir I don't not.
Q Did you ever learn afterwards whether or not that man was caught, do you know? A It seems to me like I learned afterwards that the man was caught. No I don't know nothing about that part of it.
Q You know what county Ft. Scott is in? A No sir.
Q Who called your attention to this ~~error~~ error? A I thought so myself; I called my own attention to it; I was studying over it, I did.
Q You know now it was only a few days after Christmas? A Yes sir, a few days after Christmas.

Com'r Breckinridge: This statement will be filed as supplemental in the Elizabeth Meigs case, to be considered in connection with the former statement of the witness, and the other evidence relating to the date in question.

M. D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 23, 1901.

C. P. Breckinridge,
Commissioner.

Department of the Interior,
Commission to the Five Civilized Tribes,
Oklahoma, D. C., June 1st, 1902.

In the matter of the application of John F. Ball for the
release of himself, as a married Cherokee Freedman; and two
children as Cherokee Freedmen, he applying as an intermarried; being
sworn and examined by Commissioner Headlee, he testified as
follows:

Examination:

Q. What is your name? A. John F. Ball, for applicant.
Q. Is he Ball, for Cherokee Nation?

Q. What is your name? A. John F. Ball.
Q. What is your age? A. About 35.
Q. What is your post-office? A. Norman, Indian Territory.
Q. What district do you live in? A. Chickasaw District.
Q. You apply to be enrolled as a Cherokee Freedman? A. No sir, as
intermarried adopted.

Q. Who do you want to enroll besides yourself? A. 2 Indian boys
Robert Ross.

Q. How old is Robert? A. About 15 years old.

Q. What is the next child's name? A. James Ross.

Q. How old is James? A. James is about 12.

Q. Are you married? A. No sir, I am a widower.

Q. Your wife not living? A. Yes sir, she is living, we was di-
vorced.

Q. What is the woman's name of these children? A. She is married
again.

Q. Who has got these children? A. I have got them in custody.

Q. Examined by Attorney Smith.

Q. What was your wife's name when you married her? A. Mail, Danner-
berry.

Q. Have you a witness where she lived as to when she belonged?

A. Yes sir.

Q. Did you know her during the war yourself? A. No sir.

Q. You don't at to from your personal knowledge who she belonged to?

A. No sir.

Q. Where was she when you got her? A. No sir, I never got ac-
quainted with her until after the war.

Q. When did you get acquainted with her? A. In the fall of '33,
near the close of the war.

Q. Where was she? A. At Lawrence, Kansas.

Q. How long did you stay in Lawrence after that? A. I lived in Law-
rence about, let me see, about three years, I think it was '33
when I left there.

Q. Did she leave Lawrence? A. She left Lawrence in the fall of '36
the next year after the war closed.

Q. Did she take any statement as to where she was going? A. She
was coming to the Nation with her mother.

Q. Where did you marry her? A. I married her in Lawrence, Kansas, the
first time I married her, and I married her the second time in the
Indian Territory.

Q. How did you marry her in the Territory, under what law?

A. Under the Cherokee law.

Q. Have you got the certificate? A. I have got a certified copy.

Q. Where is it?

A. I have it in my pocket, I want to offer a certified copy of a
certificate of his marriage to his wife, issued by the clerk of
Chickasaw District, Indian paper to Cherokee Nation, Ball,
who examines it.

Q. Don't see it. The applicant presents a certified copy
of marriage certificate certifying that he was married accord-
ing to the laws of the Cherokee Nation on the 28th day of
September, 1880, marriage license issued in '74, 25th day of

Examiner, and married to Emily Canner, Minister of the Gospel, 28th of September 1867, to Emily Cannerberg.

Examined by Attorney Smith:

Q Have you ever been recognized as a citizen of the Cherokee Nation? A Yes sir, I have been recognized, the right to vote.

Q Have you voted in the Cherokee elections? A Yes sir.

Q Have you ever had any permits issued to you? A I don't think I ever applied; yes I have, but I have no copies of them.

Q You have had permits issued to you? A Yes sir.

Q About when, do you remember? A It has been 14 or 15 years ago. I never paid any attention to it.

Q Did you ever have any permits in the Cherokee courts?

A One, yes sir.

Q Who with? A Man named Gunby, Delaware citizen.

Q In what court? A Civil court it was then, held at Dog Creek, Coosawatoossee District.

Cherokee Representative, L. B. Zell: I object to the introduction of this evidence, for the reason that it is not the best. The records could be obtainable, or showing such to be made that they are not obtainable.

Con't: Well, go on.

BY ATTORNEY SMITH:

Q Well now, Mr. Ross, where do you live now? A I live five miles north of Leonah, Coosawatoossee District, Cherokee Nation.

Q Are those two children, Robert and James, living with you?

A Yes sir, when I am at home they are.

Q Are those children on any of the rolls? A Yes sir.

Q Robert and James, what rolls? A They are both on the Ferns-Clifton roll, and I think one of them is on the Wallace roll. I am not positive.

Q What roll is Robert? A I think on 15.

Ferns-Clifton roll of citizens of the Cherokee Nation examined for applicant's children and identified page 146, #3819 Robert Ross, Coosawatoossee District. page 146 #3821 Jim Ross, Coosawatoossee District.

1890 authenticated roll of citizens of the Cherokee Nation examined and applicant not identified thereon.

1894 census roll of citizens of the Cherokee Nation examined and applicants not identified thereon.

Ferns-Clifton roll of citizens of the Cherokee Nation examined and applicant's former wife identified as follows: page 146, #3812 Emily Ross, Coosawatoossee District.

Examined by Cherokee Representative, L. B. Zell:

Q You don't claim anything but intermarried right? A And the right to enroll these two children.

Q When did you marry Emily Cannerberg first? A First time I married her I think it was in 1867, along in June.

FURTHER TESTIMONY IN REPLY CASE TAKEN BY STENOGRAPHER CHARLES VON WITZE.

H. D. Green, being first duly sworn, states that as stenographer he was conversed to the facts disclosed herein and correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this June 2nd 1901.

(Signed) T. A. Needles,
Commissioner.



1990

Mr. Smith:
What is your...

Q What is your post-office address?
Q How long have you been there?

How old are you? A. About 54 years.

Q Did you know Jack Hall at that time?

What was her name before she married him?

Who did she belong to? A Yes sir. Dannenberg.

Q Where was Emma Dannenberg when the first living with her?

living with her master then.

In the Cherokee Nation, a

Do you know if she
he war? A Yes sir

Q Did she come back after the war? A Yes sir.

When did she come back? A Yes sir.

Who came back with her? A

mother, he, my mother, my sister, Reed Whitney

How old was Emma at that time? A Her and I are about the same sized girls. Young boys.

Who was their mother? A Tilda Danyalova

Where did they locate when they came? A Tilda Dannenberg.

And where is this woman from?

an Hayden in that is known as the Jim Martin estate.
Where does John Ross live?

How long has he lived there? A. Some six miles from Lenapeh.
 People I don't remember. The first time that

years more than that must have been.

Was this Rilda Dannenberg married?

How long did she live there? A Bear what is Hayden now.
And kept those children?

How long did she have them? A Not all the time.

there ... have them? A 2 or 3 years
mean Emma Russell I or ...

Q. Now, I am speaking of John J. Rose's wife? A. Yes, she kept him with her all the time.

When did you come back to this country? That is who I mean.

Q And then you came back again? A Yes, sir.

Q 657 A Yes sir. Check again? A Yes sir.
 Q 658 A Yes sir. On the 1980 report.

you on the roll at 1900.

He came back home
Fider.

Lewis Whitacre, called and sworn as a witness for the people.

It is your name & title which

at 1000 hours, 1. Louis White, Jr.

J. J. Ross.

- Q Where do you live? A Hayden, I.T., on Lightning Creek.
- Q How long have you lived in the Cherokee Nation? A Never lived out of the Cherokee Nation.
- Q Do you know John Rose? A Yes sir.
- Q How long have you known him? A I have known him about 22 years.
- Q Do you know his wife Emma? A Yes sir.
- Q Who did she belong to before the war? A Mr. Dammert, and his family.
- Q Were they Cherokee citizens? A Yes sir.
- Q Where did they live? A I can't tell exactly, it was in Flint or Coalinga, 2 or 3 miles from the river.
- Q How old was she when the war broke out? A I don't recall, but she was a small girl when the war commenced.
- Q She was out of the Cherokee Nation when the war was going on was that? A Yes sir I think so.
- Q Where did you first see her after the war? A Her mother was at the old Harry Still place on Lightning Creek.
- Q When did you first see her with her mother? A Sometime in the winter of '66.
- Q Did you know who she was with? A With her mother.
- Q Did you come back to this country the same time Harry Still did or not? A No sir I came down some summer though.
- Q Do you know who brought this woman and these children to the Cherokee Nation? A No sir.
- Q How long did you continue to see them around there? A They were there 3 or 5 weeks, taken a claim there, it was cold weather, they got dissatisfied and gave it up.
- Q Where did you next see them? A On Gobscook Bend, I was up there to the Chief election up there and seed them.
- Q Have you ever been to the Rose house at Lenapeh? A No sir.
- By Ball.
- Q How far from the Harry Still place do you live? A Just a short mile just like going from here over in town.
- Q That was in 1866 that you was over there and saw these people? A Yes sir.
- Q How long did Mr. Rose stay there with her mother? A I just saw them there a short time.
- Q About how long? A 5 or 6 weeks.
- Q Where did she go then? A I don't know where she went, the next I heard of then was that they had a place up near Lenapeh. I has never been to their place there, don't know where it is.
- Q You know that they have lived up near Lenapeh though? A Yes sir.
- John Landrum called and sworn as a witness for the applicant.
- By Mr. Smith.
- Q What is your name? A John Landrum.
- Q Where do you live? A On Lightning Creek.
- Q What is your post-office? A Hayden.
- Q How long have you lived there? A 30 years.
- Q How long have you lived in the Cherokee Nation? A I was birthed here and raised here.
- Q Do you know Emma Rose who was the wife of John Rose? A Yes sir I am slightly acquainted with her.
- Q Did you know her before the war? A Yes sir I saw her a time or two.
- Q Was she a slave? A Yes sir.
- Q Who did she belong to? A The Dammertes.
- Q Where was she when the war came up? A In Flint District.
- Q When did you first see her in the Cherokee Nation after the war? A On Lightning Creek.
- Q About a Fall of '66.
- Q Who was she with? A Her mother Tilda.
- Q Do you know how long they staid in that neighborhood? A I think they must have staid there 3 or 4 years as near as I can recollect.

(5)

Q How far is it from where you saw them to Lewis Whitmire? A 2 miles north east.

By Bell:

Q You say you knew M. Rose before the war? A Yes sir I saw her.

Q About what time was she when the war came up? A Small.

Q At 4 or 5 years old? A I don't know, I was small myself.

Q About what age was she? A Might have been 7 or 8 I don't know.

Q Where did you see her before the war? A Where they lived on Flint.

Q Where did you live at that time? A On Spavinaw, this side of Kayoville.

Q How far from Kayoville did they live? A About 12 miles, on the military road right on Spavinaw. The Jones Duffington place is where I was raised.

Q How far was that from the Dannenberg place? A It was a long ways.

Q How old are you Jack? A 59 as near as I can come.

Q That was you doing there at the Dannenberg place at that time? A My master carried me up there.

Q When was that? A That was a long before the war came up.

Q Well how long before the war came up? A I can't tell exactly, it was not so long before the war came up though.

Q Who was your master? A At that time I belonged to Jim.

Q Jim Landrum? A No sir Jim Muskrat they called him.

Q What was he doing there at the Dannenberg place? A On business I guess.

Q Selling some of you? A No sir not exactly, I don't know, I never was sold in my life.

Q How many days did it take you to go up there from where you lived? A 2 or 3 days or more in wagons.

Q How long did you stay there after you got there? A 2 or 3 days.

Q Can you tell close to where they lived in Flint? A No sir I can't.

Q You got through with that visit and came back home and never saw her again until you saw her up here on Lightning? A Saw her mother in Fort Scott.

Applicant re-called and examined by Mr. Smith:

Q Where were you living in 1880? A On California creek, near the Whiskey crossing.

Q Were you and Fina living together then as man and wife? A Yessir.

Q Do you know why you wasn't put in that roll? A At the time the census takers came round in the spring of '75, the census takers was Dick Duck and Mr. Hicks, they come to the house and my wife was absent and I gave in her name and all the rest of the family; there was an order from the Chief or the executive office for all those who had not met the census takers before to appear at the district clerks and give in their census, and in '75 I taken my mother in law and went to the clerk and she gave them in and swore to it and proved it by John Freedman--that was the same year that Mr. Wallace made the roll of the freedmen that I went to Tahlequah and got Mr. Rame to go and examine the office and see if my people was down and he did and the clerk there told him the the district clerk, C. C. Lipe, had never sent in any such paper reports.

By Bell:

Q That was in 175? A Yes sir, the time that Jacob Lipe was clerk he took the oath and they said that the first oath that he took then was that of this her women's mother, Tilda Dannenberg.

By Smith:

Q Do you know why she was not placed on the 1880 roll? A Just rejected her then, they disputed her after that.

Q You were here at the time? A Yes sir.

By Com'r Needles: John J. Rose applies for himself and two children Robert and James Rose, and he makes satisfactory proof

COMMISSIONER
NOTARY PUBLIC

Department of the Interior,
Commission to the Five Civilized Tribes,
Cherokee, I.T., June 8, 1904.

In the matter of the application of Emily Wolen for the enrollment of herself and one child as Cherokee Freedmen; being sworn and examined by Commissioner Needles, she testified as follows:

Appearances:

Smith, of Mellette & Smith, for applicant;
W.M. Hastings, for Cherokee Nation.

- Q What is your name? A Emily Wolen.
Q How old are you? A About 30, I guess.
Q What is your post-office? A Ruby.
Q What district do you live in? A Coowasecoohee.
Q You apply to be recognized as a Cherokee Freedman? A Yes sir.
Q Who do you want to enroll besides yourself? A Well I can't enroll only them that's under age can I?
Q That's all.
Examined by Attorney Smith:
Q What children do you want to apply for? A Jessie Rose.
Q Now the next one? A That's all, if you don't let me enroll the boys.
Q Have you any other child that's under age, not grown? A No sir, they are all grown but then three.
Q All except Robert, James and Jessie? A Yes sir.
Q Well, Robert and James have already been applied for by your husband, John J. Rose, so you just apply for yourself and Jessie?
A Well, sir.

Examined by Commissioner Needles:

- Q How old is Jessie? A Seven or eight, seven years old I guess.
Examined by Attorney Smith:
Q What is your name now? A Emily Wolen.
Q Were you the wife of John Rose? A Yes sir, I was.
Q How long did you and John live together, about? A I don't know.
Q What children were born ~~you~~ to you and John Rose while you were living together? A All my children are his.
Q Give their names? A Charlie, Carrie, Willie, Mary, Geneva, Robert, Fannie and Jessie.
Q Did you and John separate? A Yes sir.
Q When did you separate? A About four years ago.
Q Where was Robert born? A On California Creek, in the Cherokee Nation.
Q Where was James born? A On Hickory Creek, Cherokee Nation, the same neighbor hood.
Q Robert, James and Jessie are living with you? A Yes sir.
Q Where does Geneva live? A She has been living on Lightning Creek.
Q Is she married? A She has been married, but aint now.
Q Where is she living now? A She is living on Lightning.
Q Where does Mary live? A On Lightning.
Q Is she married? A Yes sir.
Q What is her name now? A Mary Blackburn.
Q Where does Will live? A He lives on California Creek, near ~~Ruby post-office~~ ~~near Ruby post-office~~.
Q Where does Carrie live? A She lives on Salt Creek, close to Ruby post-office.
Q How far from Ruby? A About a mile and a half.
Q Is Carrie married? A Yes sir.
Q What is her name now? A Freeman. She married George Freeman.
Q Where does Charles live? A He lives near Coffeyville in the Cherokee Nation, on the Verdigris.

- Q You apply for yourself and Jessie do you? A Yes sir.
- Q What was your name before you were married? A Before I married the first time?
- Q Yes sir? A Dannenberg.
- Q Were you born a slave? A Yes sir.
- Q Who did you belong to? A I belonged to Dannenberg.
- Q Was he a Cherokee? A Yes sir.
- Q Where did you live before the war? A In Flint, Cherokee Nation.
- Q Were you taken out of the Cherokee Nation during the war? A Yes sir.
- Q When did you come back? A I come back in the fall of '66.
- Q Who did you come back with? A I come back with my mother and brother and sister.
- Q What was your sister's name? A Jane Smith it is now.
- Q Anybody else with you? A Uncle Dave French.
- Q What family did your father and mother have at that time at the time you came back here, who were the members of that family?
- A That I belonged to.
- Q Your father's family, you mentioned your sister, Jane Smith?
- A And my brother, James Colbert; there wasn't but three children.
- Q Where did you come to when you come back? A Come to Lightning Creek.
- Q How old are you, you say? A I am about 50 I guess.
- Q You don't know your age? A No sir.
- Q Can you remember how big you were when you came back to the Nation after the war? A I guess I was about 11 years old.
- Q You don't know exactly? A No sir, I don't know my age.
- Q You were not grown? A No sir, I wasn't grown.
- Q Where does your sister, Jane Smith, live? A She lives on Hickory Creek, about nine miles below Coffeyville, in the Cherokee Nation.
- Q What is her husband's name? A Charley Smith.
- Q Where does James Colbert, your brother, live? A He lives near Bartlesville, in the Cherokee Nation.
- Examined by Cherokee Representative, W.W. Hastings:
- Q You say you belonged to Dannenberg? A Yes sir.
- Q Where did you live before the war? A I lived in the Nation, down there close to Flint.
- Q Close to Flint? A Yes sir, I don't know what.
- Q ~~Did Dannenberg~~ You don't know what district? A No sir, I don't know.
- Q Did Dannenberg have any children? A Yes sir.
- Q What are the names of some of them? A His oldest girl was named Josephine and the oldest boy was named Henry.
- Q You were living with them at that time? A Yes sir.
- Q Who did your brothers and sisters belong to? A Same person.
- Q All them you have mentioned belonged to the same person? A Yes sir.
- Q And he was living in Flint District? A I guess it was Flint District, but I remember it was near Flint.
- Q About how big were you when the war come up? A I was quite small.
- Q You don't know, remember anything about the dates then? A I know the dates when I see them, but I can't remember no dates that far.
- Q You were not married when you come back here then? A No sir.
- Q When did you marry John Rose? A I don't know just when.
- Q About how long after you come back here? A I guess about 4 or 5 years.
- Q You never married him in Kansas then? A Yes sir, I married him in Kansas.
- Q Then you married him before you came here? A I came down here and then I went back and I married him when I went back.
- Q Where did you come to when you came down here the first time?
- Q I come to Lightning Creek.
- Q Your father alive then? A I don't know anything about my father,

- I never saw him.
- Q What was your mother's name? A Tilda Dannenberg.
- Q She come down with you then? A Yes sir.
- Q Just you and your mother and brother and sister? A Yes sir, and Uncle Dave Frances.
- Q He was along? A Yes sir, and Harry Spill.
- Q He was along? A Yes sir.
- Q How long did you stay down here when you come? A I went back I guess it was in the summer.
- Q What time did you come down? A I came in the fall.
- Q And you stayed here then until the next summer? A Yes sir.
- Q Then you lived in Kansas about four years? A No sir, I didn't stay there until September, I guess about September, and I come back.
- Q Well, you said you married up there? A Yes sir, I married up there.
- Q Didn't you state awhile ago it was about four years after you come down here until you married? A I mean it was four years from the time I come down here the first time.
- Q That's what I meant? A Well I didn't stay up there no four years.
- Q Well you come down here the first time, and you say you went back the following summer? A Yes sir.
- Q Was it about four years when you first came down here after the war that you married Rose? A I come down here the first time with my mother and sister, and I stayed until along in the summer, and I went back and stayed there until along in the fall and I stayed there until in the fall and then I come back and I married up there and I come back that fall.
- Q Was you ever married before? A No sir.
- Q Was Rose ever married before? A Not as I knows of.
- Q He was a state man? A Yes sir.
- Q He went back to Kansas with you? A A young man by the name of Reed Whitney.
- Q Was he any relation to you? A No sir.
- Q How did you two happen to go back together? A There was another girl went with us.
- Q What place in Kansas did you go to? A We went back to Lawrence.
- Q You were married in Lawrence? A Yes sir.
- Q What year were you married? A I can't tell the dates, I was married, I can't tell how long I have been married and when I did marry.
- Q You can't tell the year you was married in but you could tell the fall you come back home? A Oh yes, I can tell that, because I heard so much talk about it.
- Q You didn't hear so much talk about your marriage? A No sir.
- Q What is your oldest ~~daughter~~ child's name? A Charley Rose.
- Q How old is Charley? A I guess he is about 39.
- Q Where was Charley born? A He was born in the Nation.
- Q Where? A He was born on Grand river.
- Q Who were your neighbors then? A My aunts.
- Q What was their names? A Aunt Mary Buffington.
- Q You were living then over on Grand river? A No I just went down there on a visit.
- Q How long had you been in the Nation then? A I don't remember.
- Q Where was your next child born? A On California Creek.
- Q What was his name? Next one to the oldest child was? A Carrie Freeman.
- Q She was born on California Creek? A Yes sir.
- Q How far down from Coffeyville? A About 15 miles.
- Q What direction? A South.
- Q Have you been living at that place ever since? A Right around in the neighborhood ever since.
- Q Where was Carrie Freeman married? A She was married on Hickory Creek.

Emily Nolan et al 4

- Q She ever live in Kansas? A No sir.
- Q Did Charley ever go back to Kansas? A No sir.
- Q Who did you and your mother live with the first fall after you came back here? A We stayed at Aunt Maria Hayden's.
- Q Did you live in the house with her? A Yes sir. We lived in the house with her awhile, and we had a little house.
- Q Who was living with aunt Maria Hayden? A My this man Reed Whitney, and this Andy Rider, and her son.
- Q That was in the fall of '80 was it? A Yes sir.
- Q Where was your aunt Maria Hayden living then? A Thy close just close to where she is living now, I don't know just where the place is, I couldn't tell where, just where the place is now.
- Q It was on the same place, but a different house? A Somewheres along there, I have never been there for a long time, and I don't know.
- Q She had a house built did she? A I suppose she had I don't know.
- Q You don't know whether they were living in a house or not?
- Q Oh yes, I know they were living in a house, but I don't know how they got it.
- Q You know how long they had been living there when you come?
- A No, sir.
- Q Had they raised a crop there, patch? A I guess they had a garden patch, but it has been so long I don't remember.
- Q Was Mr. Hayden there? A I don't think he was at that time; you see I was small and then I can't remember very much noway.

Kerns-Clifton pay roll of citizens of the Cherokee Nation examined and applicant and child identified as follows:

page 146 No. 3515 Emily Rose, Cooweescoowee District;

page 146, #5622 Jess Rose, Cooweescoowee District.

Wallace roll of citizens of the Cherokee Nation examined and applicant identified thereon as follows:

page 137 #2839 Mary Rose, Cooweescoowee District.

Examined by Commissioner Needles:

- Q What is your present husband's name? A Manuel Nolan.
- Q What was Rose's name? A John Rose.

Com'r Needles: Emily Nolan applies for the enrollment of herself and child Jessie Rose; she cannot be identified upon the authentic roll of 1880 or the census roll of 1890, but is duly identified upon the Kern-Clifton and the Wallace rolls, as Emily Rose, that having been her name by former marriage, and to one John Rose, from whom she is now divorced; she has since married one Manuel Nolan; by her first marriage to said John Rose she avers that she had one child, Jessie, and she is duly identified upon the Kern-Clifton roll according to page and number of the roll as indicated in the testimony; she avers that she was formerly married as stated, to one John Rose, from whom she is now divorced; said John Rose was duly listed for enrollment as a Cherokee Freedman on doubtful card 474, the testimony in said case will be made part of the record in the case at bar, and copy of said testimony will be filed with the testimony now being taken; they make satisfactory proof as to residence, consequently, Emily Nolan, and her child, Jessie Rose, will be duly listed for enrollment as Cherokee Freedmen upon what is known as a doubtful card; she will be notified in the decision of the Commission in her case when arrived at.

M.D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof. Subscribed and sworn to before me this 7th day of June, 1901. (signed) M.D. Green, Commissioner.

Department of the Interior,
Commission to the Five Civilized Tribes,
Oklahoma, I.T., June 8, 1901.

In the matter of the application of Charles Rose for the enrollment of himself as a Cherokee Freedman, being sworn and examined by Commissioner Needles, he testified as follows:

Appearances:

Mr. Smith, of Mellette & Smith, for applicant;
Mr. W.W. Hastings, for Cherokee Nation.

- Q What is your name? A Charles Rose.
Q How old are you? A 29.
Q What is your post-office address? A Coffeyville, Kansas.
Q What district do you live in? A Cooweescoowee District.
Q You apply to be enrolled as a Cherokee Freedman? A Yes sir.
Q Who do you desire to enroll here as yourself? A My wife, and three children.
Q What is your wife's name? A Eliza Rose.
Q How old is she? A About 25.
Q What are your children's names? A Frank.
Q How old? A 7 years old.
Q Next one? A George.
Q How old is George? A 4 years old.
Q Next one? A John.
Q How old is John? A 2 years old.
Q Your name appear upon the authenticated roll of 1880? A No sir.
Q Does it appear upon any of the rolls of the Cherokee Nation? A Wallace and Clifton roll.
Q Is your wife a Cherokee Freedman? A Yes sir.
Q What is her name father's name? A I don't know.
Q What is her mother's name? A She is known by Mittie Buffington, and Jane, and sometime they call her Jane Jackson.
Q Is your wife's name on the authenticated roll of 1880? A Yes sir.
Q By what name? A I think it is on there Eliza Jackson, or Eliza Buffington, I don't know which.
Q What is your father's name? A John Rose.
Q What is your mother's name, Emily Nolan? A Yes sir.
Q Are they the John Rose and the Emily Nolan that have been listed for enrollment here this morning? A Yes sir.

Kerns-Clifton pay roll of citizens of the Cherokee Nation examined and applicant identified thereon as follows:
page 145 #3623 Charles Rose, Cooweescoowee District;

Wallace roll of citizens of the Cherokee Nation examined and applicant identified thereon as follows:
page 137 #2561 Charles Rose, Cooweescoowee District;

1890 authenticated roll of citizens of the Cherokee Nation examined and applicant not identified thereon;
1896 census roll of citizens of the Cherokee Nation examined and applicant not identified thereon.

Examined by Cherokee Representative, W.W. Hastings:

- Q What district did your wife live in? A She died in this district, she came from the lower districts.
Q Before she was married she went by Mittie Buffington all the time?
Q How old is your wife? A She is 24 or 25.

By Commissioner Needles:

Charles Rose 2

- Q You don't know her father's name? A No sir, she never did go by her father's name, she went by Eliza Ruffington and Eliza Jackson.
- Q Were there three children in this family?
- Q What are the names of those Johnson children? A Eliza and Willie and Ella; on one of the rolls my wife put in the boy and she called it Arlin on the Clifton roll.
- Q You don't know whether your wife is on the 1880 roll or not?
- A I suppose she was, she drew all the payments, and her mother was on.
- Q Could your wife have ever had any other name but des Ruffington or Jackson or Johnson? A She went by Morgan name.

Examined by Attorney Smith:

- Q Did your wife ever go by the name of Smith? A Yes sir, 1880 authenticated roll of citizens of the Cherokee Nation examined and applicant's wife under all these names given and she is not identified thereon.

Kerne-Clifton pay roll of citizens of the Cherokee Nation examined and applicants wife identified thereon as follows; page 100 #2804 Eliza Rose, Cooweescoowee District; Note on roll: "Not on authenticated roll."

Wallace roll of citizens of the Cherokee Nation examined and applicant identified his wife thereon as follows; page 137 #2860 Eliza Rose, Cooweescoowee District.

Applicant: I would like for you to leave my wife's application open until I can see my witness.

Com'r Needlest Applicant withdraws the application for his wife and children temporarily.

Examined by Attorney Smith:

- Q Who was your father? A John Rose.
- Q Who was your mother? A Emma Nolen.
- Q Is she the same Emma Nolen who was on the stand applying for herself this morning? A Yes sir.
- Q Where do you live? A Cooweescoowee District, near Coffeyville, Kansas.
- Q How long have you lived there? A I have been there four or five years.
- Q How long have you lived in the Cherokee Nation? A Ever since I can remember.
- Q Have you any uncles or aunts? A Yes sir.
- Q Your mother any brothers and sisters? A Yes sir.
- Q Who? A Jennie Smith and James Colbest.
- Q Is she the same as Jan Smith? A Yes sir.

Examined by Cherokee Representative, W.W. Hastings:

- Q You were born in Kansas? A No sir.
- Q Where were you born? A I was learned that I was born on Grand River.
- Q About where on Grand river? A I couldn't tell you, I have never not been there since I was old enough to know anything.
- Q That was when your father and mother first came down here?
- A I couldn't say.
- Q You are 29 years of age? A Yes sir.

Charles Ross 2

Examined by Commissioner Needles:

Q You have always lived in the Cherokee Nation? A Yes sir.

Com'r Needles: Charles Ross applies for the enrollment of himself and withdraws the application for the enrollment of his wife and children, temporarily. His name is not found upon the authenticated roll of 1880 or the census roll of 1895; he is duly identified upon the Kern-Clifton and the Wallace rolls; he swears that he is a child of Sally Nelson and John Ross, who were duly listed for enrollment as Cherokee Freedmen, on doubtful cards 811 and 474 respectively; the testimony taken in said cases will be made part of the testimony in the case at bar, and copy thereof filed with the application now being made; consequently, said Charles Ross will be listed for enrollment as a Cherokee Freedman, on a doubtful card; he will be duly notified by mail of the decision of the Commission.

M.D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this June 7, 1901.

Chas. Ross

Commissioner.

File with Cherokee Freedman D-301, Elizabeth Meigs

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T., October 15, 1901.

In the matter of the application of Elizabeth Meigs et al. for
enrollment as Cherokee Freedman.

Testimony introduced on behalf of the Cherokee Nation.

Appearances:

1. T. Brown, agent for the applicant;
2. S. Davenport, of counsel for Cherokee Nation.

L. T. Brown: I would like to have the record show that sometime next week the applicant intends to introduce as witnesses in this case, Aaron Wright, Reuben Sanders, Dan Sanders, and Sam Webber, for the purpose of showing that all the applicants in this case returned to the Cherokee Nation during the time prescribed by the Ninth Article of the Treaty of 1866.

Commissioner Needles: Has all that already been shown?

L. T. Brown: And that they have had a continuous residence in this country since that year.

Commissioner: Well, that is all right.

ROBERT MEIGS, being duly sworn by Commissioner Needles, testified as follows.

Mr. Davenport: What is your name? A Robert Meigs.

Q Where do you live? A I live five miles southwest of Tahlequah.

Q What is your postoffice? A Park Hill in my postoffice.

Q How old are you? A I am 66 my next birthday.

Q How long have you lived in the Cherokee Nation? A I have lived here all my life except a little while time of the war, from '64 to '65.

Q Did your people own any slaves before the war? A Yes sir.

Q Do you know whether they owned a woman by the name of Elizabeth?

A No sir.

Q Do you know whether or not they owned her mother, or anybody of the family? A Elizabeth, no, sir.

Q Well, did you know Peter Meigs? A Yes sir.

Q Do you know what his wife's name was when the war broke out?

A Betsy they called her.

Q Well, was she living, Betsy, at the time the war broke out?

A Yes, sir.

Q Well, did you ever know her by any other name than Betsy?

A Bettie.

Q Where was Peter Meigs and his family at the breaking out of the war? A Well Peter was with us at home at the breaking out, but he and his wife was up there somewhere near the Dutch Mills on the Arkansas line.

Q Well I wish you would look at that woman there and see if she is the woman you knew as Betsy or Bettie or whatever you knew her by (indicating applicant)? A Yes, I think that is the one, I have never seen her but once.

Q That is since the war? A I just saw her once in my life and that was time of the war, after the war.

Q Did you ever see Peter Meigs and his family after the war? A Yes sir, saw Uncle Peter.

Q What year was that? A Sometime after '71.

Q What were the circumstances as to your seeing him or meeting him?

Q Why he had to come down to Council to see about fixing up his rights, and he came down to visit my brother John, we were right together, and I went up there to see him.

Q Did you have a conversation with him or did he have a conversation with your brother John in your hearing where he and his wife were present in regard to his right or when he returned? A Yes sir.

Q Give that conversation as near as you can.

L. T. Brown: The applicant objects to this witness relating any conversation he might have had with Peter Meigs, for the reason that Peter Meigs is dead and cannot affirm or deny this statement.

Commissioner: The objection will be noted and the witness will answer.

Q Go ahead and state what the conversation was between you? A He was talking about returning, he said he came down here in the fall of '66 and started to make him a place somewhere on Big Creek and his family wasn't with him, and afterwards when he returned why it was too late when he brought his family.

Q Did you ever see any other members of his family excepting he and his wife at the time you speak of? A No, sir, just him and his wife is all, I wasn't acquainted with the children.

Q Do you know where he was living at that time? A He said he was living on Big Creek somewhere.

Q That was in what year? A This was after '71 sometime, I don't know just what time it was.

By L. T. Brown: Now what did you say that conversation was, Mr. Meigs? A Why he said that he had come down to make him a place somewhere up here on the Verdigris, or Big Creek, and he started to make him a cabin, and put up the wall, and then went back for the family.

Q He told you that he came down and started him a little cabin with the intention of making him a home in the fall of '66? A He said he came down and started to make him a home.

Q In the fall of '66? A Yes, in the fall of '66.

Mr. Davenport: Well, what did he do after he started that home, did he say, after he started that cabin? A Went back after his family.

Q And he stayed up there till when he came back down here it was too late, is that what he told you? A Yes, sir.

L. T. Brown: How long did he tell you he stayed up there in Kansas after he made the first trip? A He didn't state, I believe he gave but one date.

Commissioner: This testimony will be made part of the record in the case at bar, and also part of the record in D case 394, D-396, D-398, D-401, D-402, D-401, D-407, and D-775, and the sub-references.

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C. Jones.

Sworn to and subscribed before me this the 7th of November, 1901.

T. B. Needles,

Commissioner.

File with Cherokee Freedman D-391, Elizabeth Meigs.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T., October 19, 1901.

In the matter of the application of Elizabeth Meigs et al. for enrollment as Cherokee Freedmen.

Supplemental testimony on behalf of the applicant.

Applicants:

L. T. Brown, agent for applicants.

L. B. Bell, of counsel for Cherokee Nation.

DANIEL SANDERS, being duly sworn by Commissioner Needles, testified as follows:

By L. T. Brown: State your name? A. Daniel Sanders.

Q. What is your age? A. About 59.

Q. What is your postoffice address? A. Centralia.

Q. Are you a recognized citizen of the Cherokee Nation? A. Yes, sir.

Q. Does your name appear upon the authenticated roll of 1880?

A. I think it does.

Q. You know Elizabeth Meigs and George Meigs? A. Yes, sir.

Q. What relation is George Meigs to Elizabeth Meigs? A. Her son.

Q. Did you know Peter Meigs during his life time? A. Yes, sir.

Q. Do you know whether Peter Meigs, Elizabeth Meigs, and George Meigs were out of the Cherokee Nation during the war? A. Yes, sir.

Q. When did they return to the Cherokee Nation? A. They came in '66.

Q. With whom did they return? A. They came with me and my father and the Webbers.

Q. Have they had a continuous residence in the Cherokee Nation ever since? A. A Yes, sir.

Mr. Bell: When did you come to the Cherokee Nation yourself after the war? A. In '66.

Q. What time of the year? A. First of December.

Q. That was the first time? A. Yes, sir.

Q. When did you make your second trip? A. Along in first part of January.

Q. That was January, 1867? A. Yes, sir.

Q. Now which one of these trips was it that Peter and his family came with you? A. They came both times.

Q. Came both times? A. Yes, sir. The old man came the first time and then the last time the family came.

Q. Peter came with you alone the first time? A. Yes, sir.

Q. Then the second time he brought his family? A. Yes, sir.

Q. What did his family consist of? A. Mary, George, Alice, Harry, Simon, and Perry.

Q. Then was his children? A. Then was his children.

Q. Well he had his wife Elizabeth with him, didn't he? A. Yes, sir.

Commissioner: This testimony will be filed and made part of the record in the case at bar and part of the record in D-394, D-396, D-398, D-401, D-402, D-404, D-407, D-775.

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C. Jones.

Sworn to and subscribed before me this the 7th of November, 1901.

T. B. Needles,

Commissioner.

The undersigned, once first duly sworn, states that he steno-
graphed the deposition of the Five Civilized Tribes, he made the
copy, and the same is a true and complete copy of the

Ray Palmer

Subscribed and sworn to before me this the 8th day of August, 1905.

Charles E. Jones
Notary Public

Department of the Interior,
Commission to the Five Civilized Tribes,
Winita, D. T. October 28th 1901.

SUPPLEMENTAL TESTIMONY in the matter of the application of John J. Rose, C. P. D. 474.

Appearances:

James B. Davenport for the Cherokee Nation
Mellette A. Smith for the applicant.

PHILLIS CARTER being first duly sworn by J. T. S. Chandler, Commissioner, testified as follows on the part of the Cherokee Nation.
(By Davenport.)

Q What is your name? A Phillis Carter.

Q Where do you live? A In Doonessack band, Doonessack district.

Q How old are you? A I don't know my age exactly.

Q Do you know John J. Rose? A Yes sir, I know him.

Q Do you know Emily Wolen who was formerly the wife of John J. Rose?

A Yes sir.

Q Where did you first get acquainted with them? A I was acquainted with their mother in slave times.

Q With their mother? A Yes mother as you meant a girl's mother.

Q What was her name? A Matilda Damsburg.

Q Were John J. Rose and Emily Wolen any relation to each other?

A Yes sir they got married.

Q Where did they get married? A In Kansas somewhere, I can't tell exactly the place.

Q Where did you know John J. Rose and Emily as man and wife? A Right there in Lawrence.

Q When did you come back to the Cherokee Nation after you knew them in Lawrence? A As near as I remember it was the year before the grass or bread payment.

Q Do you know what year that was, what year the bread payment was made? A No sir.

Q Where was John and Emily living when you came back from Lawrence?

A I left them up there.

Q Up where? A Lawrence Kansas and never seen them any more until they came here.

Q Did they have some children? A Yes sir.

Q Do you know the names of any of them? A I know a little boy named Charles and a girl named Lizzie as all they had then.

(By Smith.)

Q Are you a freeman? A Yes sir that is what I have been claiming.

Q Are you on any of the rolls of the Cherokee Nation? A Yes sir.

Q When listed? A My case was taken up at Chelsea.

Q I ask what rolls you are on? A Clifton and Wallace rolls I guess they call it.

Q When did you belong to before the war? A I belonged to a woman, she was a Starr before she married and she married a man named Latty.

Q What was her name before she married? A Jane Starr.

Q What was her father's name? A I don't know.

Q Where did they live? A At the old place up in Flint and its sequoyas.

Q Near what town? A Not close to any town, lived out in the country, the oldest town was Evansville.

Q Were you living there when the war commenced? A Yes sir.

Q Where did Emily's mother live? A With Mrs. Damsburg.

Q How far from where you lived? A In the same district but it was farther off, north from me, I can't tell the distance exactly.

Q Was it by rail? A No sir, I don't think it was quite that far.

Q How did you know Emily Wolen before the war? A Yes sir, I knowed her.

Q How did you know her? A I knowed her mother.

Q How did you know her mother? A I knowed her mother.

Q How did you know her mother? A I knowed her mother.

was born before the war, if she was she was a small child; I know I saw her in her mother's arms.

Q Was that before the war? A Yes sir.

Q Sure of that? A Yes sir.

Q Where did you ever see her in her mother's arms before the war?

A With her mother at the Dannenburg Place.

Q How many times were you at the Dannenburg Place? A I was hired out to his brother Nathan.

Q How far did the two Dannenburg brothers live apart? A I cant say exactly how far.

Q Cant you give some idea as to how far? A I dont know exactly.

Q Did they live 450 miles apart? A Nathan lived in town and one lived in the country.

Q Was it 400 miles apart? A No sir it wasn't, I dont suppose it was over five miles, it wasn't five miles, it was betw- en 3 and 4 miles I guess.

Q When the war come up where did you go? A When the war come up for a little while—when the war was raging so I was with my owners at Parkhill a while and then came back to the old home place.

Q When did you go up to Kansas? A About the time of the close of the war, just about the time that Quantrill's raid was in Lawrence.

Q What place in Kansas did you go to? A Lawrence.

Q Where was this Matilda then, didn't you say you saw Matilda there?

A When I first went up in Lawrence.

Q Yes sir? A I didn't see her when I first went up there, we lived on one side of the river and they lived on the other, but I shortly afterwards saw her, I didn't see her for the first day or two after I got there.

Q You said A while ago that you saw Emily in her mother's arms you though before the war, how long before the war was it? A I cant say I dont know, I dont recollect that far back, I have told it as straight as I know.

Q You claim to have known this woman ever since she was a little baby, now when was she a little baby? A I cant say.

Q How big was she when the war come up? A Quite a little girl.

Q How many years old? A I dont know, never paid any attention, just seen them and knowed the.

Q Was she three years old? A She might have been and might have been more.

Q Well, about how old? A I dont know.

Q You saw her and would know the difference between a girl three years old and one ten years old wouldn't you? A Yes sir I right.

Q You are in doubt about that are you? A Yes sir.

Q How old was Emily when you saw her at Lawrence? A Little child.

Q How long did you live in Lawrence? A I dont know how many years, I staid there a good while.

Q You dont know if it was one year or two years or 22 years? A I know it wasn't 22.

Q Was it over two? A Yes sir I gues it was.

Q How much over? A I dont know.

Q Was you living there as much as five years? A I dont know if I did or not, I know I was there that is all I do know.

Q Cant you give some idea—was you there as much as five years? A I dont know if I was there five years or over five years or under five years, I dont just exactly know the years or dates, I know I was there quite a while, I know I was there two or three years any way.

Q You can be safe in saying that it was over two years, two or three years? A Yes sir.

Q You wouldn't swear positively that you were there as much as five years though? A No sir.

Q You will swear positively that you were there as much as two or three years? A Yes sir for I know I was there that much.

Q Who did you live with when in Lawrence? A With my husband.
 Q Who was he? A Harry Carter. Q Is he living or dead? A Dead.
 Q When did he die? A A year and six months ago.
 Q Since you came here? A Yes sir.
 Q You don't know what year it was when you went to Lawrence? A No sir.
 Q Don't know that, say.
 Q If was some time after you went up there before you saw this
 Matilda? A Yes sir.
 Q When you discovered her there how far was she living from your
 must have been 2 or 3 miles, she wasn't living right in town, she
 lived kind in the country.
 Q You lived in town? A Yes on the north side of the river, the
 river was between us and town.

This will be filed in the original application, that of John J. Ross,
 D. F. D. 474 and also in Cherokee Freedmen doubtful cases, D-512,
 D-513, D-516; B-517; A-518; B-511; B-520; A-521; D-47; D-800; D-888;
 D-885 and B-132.

Chas. Ten Weiss, being first duly sworn states that as stenographer
 to the Commission to the Five Civilized Tribes he reported in full
 all the proceedings in the above cause and that the foregoing is a
 full, true and correct transcript of his stenographic notes therein.

Subscribed and sworn to before me this 26th of October, 1901

Chas. Ten Weiss
 Commissioner

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To be filed with _____

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., October 29th, 1901.

SUPPLEMENTAL TESTIMONY in the matter of the application of Joe
Ross C.F.D. 350.

Appearances:

W.W.Hastings, for the Cherokee Nation.
Mellotte & Smith for the applicants.

BY MR. HASTINGS: The Representatives of the Cherokee Nation ask that the testimony of Sam Webber, re-called, in the case of Jefferson Ross, and others, Freedman D 972, be made a part of the report in this case.

COMMISSIONER: It is further ordered that a set of all the testimony given by Sam Webber in Cherokee Freedman Doubtful case 972, the same being the case of Jefferson Ross be filed in the case Cherokee Freedman D 350, of Joe Ross, and in Cherokee Freedman D 496, of Clara Grayson and in Cherokee Freedman D 216, of Aaron Webber.

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Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I.T., June 26, 1901.

In the matter of the application of Jefferson Ross for the enrollment of himself and four children as Cherokee Freedmen.

Appearances:

Mellotte & Smith, attorneys for applicants;
W.W.Hastings, counsel for Cherokee Nation.

Sam Webber, being duly sworn by Commissioner Needles, testified as follows:

- Mr. Smith: What is your name? A Sam Webber.
- Q How old are you? A About 58.
- Q Where do you live? A I live about two miles west of here.
- Q How long have you lived in the Cherokee Nation? A I was born and raised here, and after the war came back.
- Q Do you know this applicant, Jefferson Ross? A Yes, sir.
- Q Were you acquainted with him before the war? A No, sir, I wasn't acquainted with him before the war.
- Q When did you first know him? A I got acquainted with him just after the war.
- Q Where? A Here in the Nation.
- Q About what part of the Nation? A He came to my house threecorn Big Creek in the Nation.
- Q What time? A Along in the spring of '67.
- Q Do you know of your own knowledge when he first came back to the Territory after the war? A No, sir, I don't know of my own knowledge.
- Q Do you know where he was living at the time he came to your house? A He had been working on Snow Creek he claimed and he was on his way hunting his sister.
- Q Did you ever see him after you saw him that time? A I put him on the trail down to his sister's and I never saw him for quite a little bit from that; when I saw him he was there on Lightning Creek.
- Q Did you see him then after that at his sister's? A I saw him then after and on my way about two years I guess.
- Q Where? A There at Lightning Creek.

Q In the Cherokee Nation? A Yes, sir.
 Q Was he a married or a single man at that time? A He was a single man to my knowledge.
 Q Do you know where he is living now? A No, sir, I don't.
 Mr. Hastings: You saw him around here for about one year?
 A Yes, sir.
 Q Then how long was it till you saw him again, Sam? A I remember after that of seeing him on Big Creek again.
 Q How long after that? A Must have been six months or a year after that I got him again there.
 Q You know where he was married? A No, sir, I can't tell you.
 Q Was he married at that time? A If he was I didn't know it.
 Q Did you know his wife? A No, sir, I don't know his wife.
 Q Did you ever see his wife? A Not to know it was her.
 Q How this man ever kept house to your knowledge? A When I saw him he was to his sister's.
 Q What was her name? A Katie Thornton.
 Q You never saw him in a separate, independent house, keeping house with his family? A No, sir, never did.
 Q What is his occupation? A I can't tell you.
 Q Did you ever see him making a crop anywhere? A I never saw him farming, I have seen him working for people around here.
 Q He never made a crop to your knowledge? A No, sir, not to my knowledge.
 Q Has he got any special occupation like a carpenter? A Not as I know of.
 Q What is Katie Thornton's husband named? A Henry Thornton.
 Q Was that her husband at that time? A Yes, sir.
 Q With whom does this man stay now? A I don't know that.
 Q You never saw him anywhere except to his sister's? A That is all I have noticed him.
 Q Did he have any children when you saw him? A I never seen them if he did.
 Q You don't know where his family were, if he had any? A No, sir.

Sam Webber, re-called, testified as follows:

Mr. Hastings: Mr. Webber, when were you first married? A When I first married, I married just a short while after the war, I don't remember what year.
 Q Before you came down here? A After I came down here.
 Q Well, about how many years after you came down here? A It wasn't a year I guess after I came here.
 Q Well, you know what time of the year you were married? A I was married along in the winter.
 Q Was that the same winter you came, or the winter of '67? A It was along about, it throued in '67, it was after Christmas.
 Q You mean in January of '67 or the last part of '67? A It was along after Christmas, I don't remember the date.
 Q What was your wife named? A My wife at that time was Rinda Martin.
 Q When did you commence keeping house? A I went in my house when I first came here.
 Q You and your wife keeping house separate and apart? A I was keeping house when I was single, I built me a little house, and was living in there.
 Q What time in the year did you and your wife move into that house? A We moved right in the house after we were married.
 Q And you don't remember when that was, what time of the year? A Along after Christmas, I was already in the house.

I, J. B. Green, being duly sworn, state that as stenographer to the Commission on the Five Civilized Tribes, I made the foregoing copy and that the same is a true and correct copy of the original transcript.

(Signed) J. B. Green.

Subscribed and sworn to before me this September 18, 1901.

(Signed) J. O. Starr,

Notary Public.

(SEAL)

I, Al H. Chester, being duly sworn, state that as stenographer to the Commission on the Five Civilized Tribes, I made the foregoing copy and that the same is a true and complete copy of a certified copy of the original transcript.

Al H. Chester

Sworn to and subscribed before me this 14th day of August, 1902.

James E. Jones
Notary Public.

Supl.-C.F.D.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., February 24, 1902.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of
SAMUEL BECK as a Cherokee Freedman; introduced on part of the
Cherokee Nation.

Appearances:

L. T. Brown, Vinita, I. T., Agent for Applicant;
J. G. Davenport, Cherokee representative.

L. B. HELL, being duly sworn, testified as follows on
part of the Cherokee Nation:

MR. DAVENPORT:

Q What is your name? A L. B. Hell.

Q Where do you live, Mr. Hell? A Vinita, Indian Territory.

Q How long have you lived in and near Vinita? A Oh, since '67,
including most of '67.

Q Was there any railroad running in or through Vinita when you
first moved into that community? A No, sir.

Q When did the railroad first come through that country, Mr. Hell?

A In 1871.

Q You know this applicant, Sam Beck? A No, I don't know him.

Q Don't know anything about him? A No, sir.

Q Was you living in that country before the railroad started from
Kansas through the Indian Territory; that is, the M. K. & T.?

A Well, I will tell you what I know about the railroad; The rail-
road came through the country in 1870, and on the application of
the Cherokee Nation, a complaint to the Secretary of the Interior,
they stopped building and during the session after 1870 of the
National Council of the Cherokee Nation, they passed an Act there,
it is dated the 14th of December, 1870, authorizing the furnishing
of cross-ties to the railroad, and agreeing that the railroad could
go through. They had begun it in 1870 and the M. K. & T. got the right-of-
way, and then they authorized the selling of cross-ties, and I went
to the top and made a contract with the Company for cross-ties
enough to build from the Kansas line to Fryer Creek and sublet it.
Mr. Martin was and I sublet to, that was in 1870 that contract
was made, I don't recollect the exact date. Well, just a few days
following that we began getting cross-ties and then worked on down
to the Creek Nation. That was the first railroad built in the
country and the first cross-ties was put on the railroad in this
country.

Q You don't know anything about the wife of Beck or anything about
them? A No, I don't.

C. D. MARTIN, being duly sworn, testified as follows on
part of the Cherokee Nation:

MR. DAVENPORT:

Q What is your name? A C. D. Martin.

Q Where do you live? A At Tahlequah.

Q How long have you lived in the Cherokee Nation?

A I was born and raised here, never was out except during the war.

Q Where did you live before coming to Tahlequah? A Lived on Grand river east of Chetopa about ten miles.

Q Do you know Samuel Cook, the applicant in this case, or his family? A No, sir.

Q Where were you living along the latter part of the sixties or early part of the seventies? A On the Grand river.

Q Do you know about the year the M. K. & T. railroad built from Chetopa, Kansas, down through the Territory? A It must have been the latter part of '71 or '2.

Q Had you any connection with it any way that makes you remember it? A Yes, sir, I had a contract on the road, beginning at Bryant's lake, down this way.

Q And that was in what years it built down there? A The ties was put in there in the spring, latter part; it was in the spring of '71.

BY ATTORNEY BROWN:

Q You don't know the applicant, Mr. Markham? A No, sir, I don't.

Q You don't know to whom he belonged before the war or when he returned to the Cherokee Nation? A No, sir.

Commission: This testimony will also be filed in and made a part of the record in Cherokee Freedman case No. D.391.

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J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(signed) J. O. Rosson.

Subscribed and sworn to before me this February 27, 1902.

(signed) T. B. Needles,
Commissioner.

...

I, A. R. Cheever, being duly sworn, state that as stenographer to the Commission to the Five Civilized Tribes, I correctly copied the original of this case, and that the foregoing is a correct copy thereof.

A. R. Cheever

Sworn to and subscribed before me this 7th day of August, 1902.

Prince Jones
Notary Public.

File with Charles Freedman D. 518 Charles Rose.

Department of the Interior
Commission to the Five Civilized Tribes,
Tulsa, I. T., February 25, 1902.

SUPPLEMENTAL TESTIMONY ON BEHALF OF THE CHEROKEE NATION in the matter of the application of EMILY ROSE for enrollment as a Freedman of the Cherokee Nation, D-511.

Appearances:

Mr. Mellette, of Mellette & Smith, Vinita, I. T., attorneys for the applicants.

Mr. J.S. Davenport, of attorneys for the Cherokee Nation.

MARTHA PACK, being sworn and examined, testified as follows:

BY J.S. DAVENPORT:

- Q What is your name? A Martha Pack.
- Q Where do you live? A Tahlequah.
- Q How long have you lived in Tahlequah? A About 15 years.
- Q Where did you live before you went to Tahlequah? A I lived in Saline District.
- Q Do you know a colored woman by the name of Emily Rose now, that is, who goes by that name at present? A I know her, but I don't know her by that name.
- Q What name do you know her by? A I know her by Emily Rose.
- Q Where did you first get acquainted with her? A I got acquainted with her in Coffeyville, Kansas.
- Q How long ago did you get acquainted with her in Coffeyville, Kansas? A Well it has been about 25 years, if not longer.
- Q Where was she living at that time, if you know? A She was living in Coffeyville, Kansas.
- Q Did you have any conversation with her at that time, become quite well acquainted with her? A Yes sir, well acquainted with her.
- Q Did she tell you anything about where she had lived prior to moving to Coffeyville? A No, but they came from upper Kansas there.
- Q Came from somewhere else in Kansas? A Yes, up above.
- Q You know where she is living now, or about what locality? A I think she lives on Big Creek or somewhere up in there.
- Q In the Cherokee Nation? A Yes sir.
- Q Have you seen her since you saw her when she was living in Coffeyville, Kansas? A Oh yes sir, lots of times.
- Q How long did she live in Coffeyville, Kansas, to your knowledge after you got acquainted with her, or about how long? A Well about two years I guess, I think.
- Q You has never known her before the war had you? A No, never known her.
- Q She claims to have been a Dannerberg, I believe, you never knew her until after she was living with John Rose? A She was living with John Rose.
- Q Was John Rose living with her after you got acquainted with her in Kansas? A Yes sir. They were all living together, her mother, Charley's Smith's wife.
- Q What was her mother's name? A Tilly Lacey.
- Q What was her sister's name? A Jane Smith.
- Q You know where Jane Smith is living now? A She lives on Hickory Creek.
- Q That is in the Cherokee Nation? A Yes sir.
- BY MR. MELLETTE:
- Q What is your name? A Martha Pack.
- Q How close is Coffeyville, Kansas to the line of the Cherokee Nation? A Why I don't know exactly how close the line is, it was 15 miles at the time when I lived in Coffeyville.
- Q Where did she live? A She lived in Coffeyville then.

Q How do you know she did? A I worked there in Coffeyville, and
 looking was well acquainted with her.
 Q How long did you work there? A Oh I worked there a year or two.
 Q Which was it? A About a year, I guess.
 Q She there all the time while you were there? A Yes sir.
 Q Where did they live? A They lived right in town.
 Q Were they ever in the Cherokee Nation any? A No sir.
 Q You say they never was over in the Cherokee Nation? A No, only
 when they went to church.
 Q How do you know? A Because I lived near them, I lived right
 there near, I didn't live with them, I was working right there,
 and was there every day.
 Q How close did you live? A About a hundred yards.
 Q You watched them all that year did you? A No, I didn't watch
 them, I was well acquainted with them.
 Q When were you first asked about this matter as to what you
 remembered about it? A Why I know about them?
 Q Yes, A Last summer.
 Q Then you remembered back 25 years? A Oh yes sir.
 Q And remember everything that the Holens did 25 years ago? A No,
 I just know where they lived at, and was well acquainted with them.
 Q You know they lived right there in Coffeyville? A Yes sir.
 Q But you didn't watch them to know exactly where they went at
 different times? A Oh I know where they lived because I passed them
 Q Don't you know they were away from there months at a time? A No
 sir, they was not away from there while I was there; they might have
 went away after that. I know the time they come to the Cherokee
 Nation and made a prop.
 Q What was that? A I don't remember the year exactly, but it
 was the year that the grass-hoppers were just thick in the farms,
 that was the year that Jos Rose and Charley Smith came to the
 Cherokee nation and made a prop.
 Q What year was that? A I don't remember, I couldn't tell you
 that.
 Q Hadn't they been farming down in the Cherokee Nation all the
 while? A No, that is the first year they went.
 Q Where did they come from to Coffeyville? A They come from in
 above in Kansas.
 Q How do you know? A They said they come from above there, I
 didn't know it.
 Q How old are you? A I am about 43 or '4, along there.
 Q Then how many years ago was it you saw these people in Coffeyville?
 A It has been about 25.
 Q What makes you think it is 25 years? A Because my oldest child
 is 25 years old.
 Q When was that child born? A I couldn't tell you what year that
 was, but she is 25.
 Q Was she born while the Roses were living there in Coffeyville?
 A Yes sir.
 Q How do you know that? A I know that.
 Q You had a little baby to take care of didn't you? A ; No I come
 away from there, they had been living there quite a while.
 BY COMMISSIONER: This testimony will be filed and made a part
 of the record in the following Cherokee Freedmen cases:
 D-477, D-514, D-515, D-516, D-517, D-518, D-520, D-521, and
 D-504.

M.D. Green, being first duly sworn, states that as stenographer to the
 Commission to the Five Civilized Tribes he perfectly recorded the
 testimony and proceedings in this case and that the foregoing is a
 true and complete transcript of his stenographic notes thereof.

Subscriber and sworn to before me
 this February 22, 1902.

[Signature]
[Signature]

to be filed with C. P. 1-100.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, T.T., April 11, 1902.

In the matter of the application of Charles C. Smith et al
for enrollment as Cherokee Freedmen.

SUPPLEMENTAL TO 1-100.

Applicants represented by Melville A. Smith, Vinita, T.T.
Cherokee Nation represented by W. H. Hastings and J. S.
Davenport.

The Cherokee Nation by its representatives makes satisfactory
proof of service on the applicants' attorneys, Melville A. Smith,
that it would on the 11th day of April, 1902, at the offices of the
Commission at Muskogee, Indian Territory, introduce testimony tend-
ing to disprove the right of the said Charles C. Smith et al to
enrollment as Cherokee Freedmen.

The applicants and their attorneys have this day, to wit the
11th day of April, 1902, been called and fail to respond either in
person or by attorney.

HATTIE DRAKE, being first duly sworn, testified as follows:

MR. HASTINGS: What is your name? A Hattie Drake.

Q What is your age, Mrs. Drake? A 48 my next birthday.

Q Where do you live? A Lawrence, Kansas, Douglas Court.

Q How long have you been living in Lawrence, Kansas? A Well,
I was born at there when I was quite a little girl, and I lived
there until after I was married, and then I went away and lived ten
years, and then moved back to Lawrence and been there ever since, and
that's been about seventeen years.

Q Well, where were you living when the war closed? A I was
living in Lawrence, not in the city, in the country just a little
piece from town.

Q Well, did you move into town after that, after the close of the
war, immediately after the close of it? A No, sir.

Q You were living right in the edge of the town? A Yes, sir,
you might say, I went to school in town.

Q Did you know a colored woman by the name of Matilda Dannenberg?

A I knowed a colored woman by the name of--knowed of her--by the
name of Matilda Colbert.

Q Well, did you know any of her children? A Yes, sir.

Q What were their names? A One was named Jane and one was named
Emily.

Q Did they have a brother there by the name of Jim? A Yes, sir,
there was a little boy they called him either Jim or James, it
seems to me they called him Jimmy.

Q Where did you know these girls? A I went to school with them
in North Lawrence.

Q Was that after the war closed? A Yes, sir, I am pretty
certain it was, I know where we lived when the war closed, and I
went from there to school.

Q It was after this time? A Yes, sir.

Q How long did you go to school with them? A Well I couldn't tell
just exactly how long, but I went to school two or three times, I
won't say I was, because I never did go to school a whole term in
my life, but two different times I was at school with Jane and Emily;
I won't say that I went to school with the little boy, but I have
seen him, know him.

Q And you knew of their mother? A Yes, sir, I knew of their mother.

Q Did you know about where she lived in the town or city? A Well, I don't know as I was ever at her house, but my understanding was that she lived on Walnut Street in North Lawrence.

Q You know of her living there? A Heard of it, yes, sir, heard of her living there.

Q You went to school the different times with them? A Yes, sir.

Q Do you remember what years they were? A No, sir, I couldn't tell you.

Q Couldn't tell? A No, sir.

Q Do you know what became of these girls? A No, sir, I don't know what became of them but I heard I heard that they moved from Lawrence to Topeka, but I never did see them in Topeka.

Q Well, do you know whether Emily was married there or not? A I didn't see her married, I heard that she was.

Q Where? A In Lawrence.

Q To whom? A A man by the name of -- I heard her husband was named Rose, John, I believe, Rose.

Q You only heard of this like any other circumstance in the town?

A Yes, sir, I didn't see them married and didn't know her husband.

Q Didn't know her husband? A No, sir.

Q Was Jane married when she left there? A If she was I never heard of it.

Q You heard when they left there that they went to Topeka? A Yes, sir, what I heard; never saw them in Topeka at all.

Q Never saw them? A No, sir.

COMMISSIONER: How old did you say you were? A I am 47 years, I will be 48 years old the first day of June.

Q Where do you live? A I live in Lawrence, Kansas, Douglas County.

Q When did you first begin to know the mother of these children that you are speaking of? A Well, I didn't know the mother so well, I have just heard of her, know of her.

Q When did you begin to know the children? A When I was going to school with them.

Q You don't know when that was? A I couldn't tell you that year, no, sir.

Q About how old were you, have you any idea? A Well, I was about 11 or 12, between 11 and 13 years old I will say; my mother didn't exactly know my age, but that's what she says that she was --

Q Sometime after the close of the war was it? A Yes, sir.

Q Well, now, how long did those people continue to reside in the same community where you were living? A After I got acquainted with them?

Q Yes. A Well, I couldn't tell you.

Q Were they living there when you came, or did they come afterwards? A I couldn't tell you that.

Q Haven't you any idea how long they continued to live there?

A No, sir, I don't know how long they lived there.

Q Do you know when they came to your neighborhood? A No, sir, I lived kind of in the country, and the cause of my knowing these girls I went to school with them, I met them first, I can remember I met them at school.

Q That was after the close of the war was it? A Yes, sir.

Q Do you know where they came from? A No, sir.

Q How long did you continue to know them at that place? A Well I couldn't tell that exactly. I know I went to the different schools with Emily and Jane, and I couldn't tell you just how long, I was quite a little girl myself.

Q Did you ever miss them from that neighborhood during the time that you were there? A Yes, sir.

Q Do you know where they went to? A I don't know where they went to, I heard they went to Topeka.
 Q You don't know then that they did go to Topeka? A No, sir, I never seen them there.
 Q Have you seen them since they left that place? A No, sir.
 Q Have you ever heard of any of them? A Yes, sir.
 Q Where were they living when you heard about them? A I heard that they was living in Topeka.

JOHNATHAN JONES, being first duly sworn, testified as follows:

MR. DAVENPORT: What is your name? A Johnathan Jones.
 Q Where do you live, Mr. Jones? A In Topeka, Kansas.
 Q How long have you lived in Topeka? A Ever since '86, February '88.
 Q You went there after the close of the war? A After the close of the war, I was ministered out—
 Q What part of the city did you locate in when you first went there? A When I first went, just outside of the town, out on the prairie just outside of the town.
 Q Well, after you went to Topeka, Kansas, did you get acquainted with a colored woman by the name of Tildy Bannenberg or Matilda? A Tildy Colbert she was called when I first got acquainted with her.
 Q Well, do you know whether or not this Tildy Colbert as you knew her had any family? A Well, yes, sir, she had three children.
 Q What were their names if you know? A There was Emma and Jane and Jim.
 Q Was either of them married when you first got acquainted with them? A Well, yes, sir, Emma was married.
 Q Do you know what her husband's name was? A John Rose.
 Q Did you ever get acquainted with John Rose while they lived there? A Yes, sir.
 Q Well, was Jane married or not? A Well, she married afterwards, after they went to Topeka.
 Q Do you know to whom she was married? A Oh yes, sir.
 Q What was her husband's name? A Charley Smith.
 Q Now about that year, about how long had you been in Topeka before you got acquainted with Matilda Colbert? A Well, I suppose I had been there about two years before I got acquainted with them, I ain't positive, a year or two anyway, I can't say positively.
 Q How far did you live from them when they first located? A Well, when I first got acquainted with them I lived—they lived on Jefferson and I lived down on—
 Q Jefferson street you mean? A Yes, sir, on Jefferson street, and I lived down on Washington close to Crane.
 Q Well, did they afterwards move? A Yes, sir, they moved and lived about, I suppose from here over to the building across the way. (Pointing across the street.)
 Q What street did they live on then? A Crane street.
 Q How far from you then did they live when they lived on Crane? A Well, about as far as from here over to that building across the street.
 Q About how far would you estimate that? A They was about half their lot.
 Q About half a block? A About half their lot, just the length of 150 feet their lot was you know, and they was a little over half way from me.
 Q Well, now, did this woman Matilda Colbert as you knew her, marry any more? A Well, I can't tell you whether she

married or not, but it strikes me that she did.

Q Now Mr. Jones, how long after you got acquainted with Matilda Colbert and her children did they continue to live in Topeka or near Topeka? A Well, I suppose they lived there about six years, somewhere about that, after I got acquainted with them, five or six years as near as I can recollect.

Q Well now while the family lived there was you well acquainted with them? A Oh, I was, yes, sir.

Q About how often would you see them when they were living on Crane Street? A Every day.

Q Did they continue to make that their home? A Yes, sir, till they sold out to come down.

Q Do you know whether or not they owned their property there? A Yes, sir, she owned it.

Q Now this Jim you speak of, what name did he go by? A Jim Colbert.

Q And Jane had married Charley Smith while- A She was Jane Colbert when they first went there.

Q And Emily had married? A Married John Rose when they first came.

Q Well, now, do you know where they said they came from when they came to Topeka; where did they say they came from? A Lawrence.

Q Lawrence, Kansas? A Yes, sir.

Q Well, now, about what year did they leave or move away from Topeka, Mr. Jones? A I suppose in '73 or '4, I ain't positive just which, but somewhere along there.

Q They came to Topeka about what year? A They came there I suppose, just my idea is as well as I can recollect, in '68 or '9. I couldn't say positively, but '68 or '9.

Q Went away from there about '73 or '4? A Yes, sir.

Q Some time long there? A Somewhere there in that neighborhood, right close about that.

COMMISSION: You didn't learn to know these people until about two years after you came to Topeka, Kansas? A Well, somewhere about that, I couldn't say positively just exactly what time, but then somewhere in the neighborhood of two years I got acquainted.

Q It was approximately two years after you came to Topeka when you first learned to know them? A Yes, sir.

Q You went to Topeka in '66? A In '66.

Q You don't know where these people were in '66? A I don't.

Q Haven't any idea? A No, sir.

Q Well now how long did they continue to reside there at Topeka, Kansas; about how long? A Well, I suppose they staid there about five or six years.

Q Do you know where they went to then? A Well, yes, sir, they came down to the Territory.

Q To the Cherokee Nation? A Yes, sir.

Q Haven't they resided in Topeka since that time? A No, sir, not that I know of.

MR. DAVENPORT: The Cherokee Nation offers in evidence a certified copy of a marriage license of Joseph Laoy, of Topeka, Kansas, to Matilda Dammberg, of Topeka, Kansas, dated February 6, A. D. 1888; also marriage license of William Rose, of Topeka, Kansas, to Matilda Laoy, of Topeka, Kansas, dated April 6, 1878; said documents being as follows:

State of Kansas,
County of Shawnee. } ss. Office of Probate Judge of said County.

Be it remembered, that on the sixth day of February, A. D. 1888,
there was issued from the office of said Probate Judge, a Marriage License

copies, of which the following is a true copy:

---Marriage License:---

Shawnee County, State of Kansas, February 8,
A. D. 1868.

To Any Person Authorized by Law to Perform the Marriage Ceremony
Greeting:

You are hereby authorized to join in Marriage, Joseph Lacy of Topeka, aged 28 years and Matilda Dentburg, of Topeka, aged 30 and of this license you will make due return to my office within thirty days.

(Seal.) Lewis Hanback, Probate Judge.

And which said Marriage License was afterwards, to wit: on the 25th day of February, A. D. 1868, returned to said Probate Judge, with the following certificate endorsed thereon, to wit:
State of Kansas, County of Shawnee, SS.---

I, Thos. Wilson, Clerk, do hereby certify, that in accordance with the authorization of the within license, I did on the 7th day of February, A. D. 1868, at Topeka, in said county, join and unite in Marriage the within named Joseph Lacy and Matilda Dentburg.

Witness my hand and seal this day and year above written.

Thos. Wilson.

Attest:

Lewis Hanback,
Probate Judge.

State of Kansas,

County of Shawnee.

} Office of Probate Judge of said County.

Be it remembered, That on the fifth day of April, A. D. 1873, there was issued from the office of said Probate Judge, a Marriage License, of which the following is a true copy:

---Marriage License:---

Topeka, Shawnee County, State of Kansas,
April 5th, A. D. 1873.

To Any Person Authorized by Law to Perform the Marriage Ceremony
Greeting:

You are hereby authorized to join in Marriage, William Rose of Topeka, Kansas, aged 24 years and Matilda Lacey of Topeka, Kansas, aged 33 years and of this license you will make due return to my office within thirty days.

(Seal.) D. C. Metaker, Probate Judge.

And which said Marriage License was afterwards, to wit: on the 30th day of April, 1873, returned to said Probate Judge with the following Certificate endorsed thereon, to wit:
State of Kansas, Shawnee County, SS.---

I, Rev. E. S. Corn, do hereby certify that in accordance with the authorization of the within license, I did on the sixth day of April, A. D. 1873, at Topeka, in said county, join and unite in Marriage the within named William Rose and Matilda Lacey.

Witness my hand and seal this day and year above written.

E. S. Corn.

Attest:

D. C. Metaker,
Probate Judge.

I, W. E. PAGAN, Judge and ex officio Clerk of the Probate Court within and for the County of Shawnee and State of Kansas, do hereby certify that the above and foregoing is a full, true and correct copy of the original marriage license issued by the Probate Judge of this

county to Joseph Lacy and Matilda Danforth, the original marriage license issued by said Judge to William Rose and Matilda Lacy, and of the original returns endorsed on said licenses by the persons performing the marriage ceremony as the same appears on file and of record in my office.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Court, at my office in the City of Topeka, this 5th day of April, 1902.

W. L. Vagan, Probate Judge.

(Seal)

Also a certificate which is as follows:

Topeka, Kansas, April 5, 1902.

State of Kansas,
Shawnee County.

I, F. L. Stephens, Reg. of Deeds of above named county and state, do hereby certify that the records of this office show that one Matilda Lacy acquired title to lot No. 252 on Crane Street in Crane's Add. to Topeka, Kansas, from F. L. Crane, on the 2d day of June, 1871, and further show that she disposed of lot No. 252 on Crane Street in Crane's Add. to Topeka, Kansas, to one Matilda Freeman on the 15th day of June, 1874.

Witness my hand and seal of office this 5th day of April, A. D. 1902.

F. L. Stephens,

(Seal and stamp)

Reg. of Deeds Shawnee County, State of Kansas

The representatives of the Cherokee Nation offer in evidence a certified copy of marriage license of John J. Reed, of Douglas County, Kansas, to Emma Ballard, Douglas County, Kansas, dated June 25, 1899.

COMMISSION: This testimony will be filed with and made a part of the record in the following Cherokee Freedmen cases: D-74, D-811, D-520, D-518, D-521, D-504, D-477, D-515, D-517, D-515, D-522, D-523, and in the case at bar, D-514.

Arthur C. Croninger, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the testimony and proceedings in the above case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 14th day of April, 1902.

Arthur C. Croninger

Notary Public

Supl. C. D. #818. Freedmen.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 4, 1908.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of
EDWARD WRIGHT as a Cherokee Freedman, introduced on part of the
Cherokee Nation.

The Cherokee Nation by its representative makes satisfactory proof of service on E. B. Lawson, the attorney for the applicant in this case, that testimony would be introduced by the

representatives of the Cherokee Nation tending to disprove the right of said applicant, Edward Wright to citizenship in the Cherokee Nation at the offices of the Commission in Muskogee, Indian Territory, on the 3rd day of March, 1902, and from day to day thereafter until the same could be heard by the Commission during the usual business hours.

Cherokee Nation present, by its representative, L. H. Bell.

C. V. Rogers, being duly sworn, testified as follows on part of the Cherokee Nation.

MR. BELL:

- Q Tell him your name? A C. V. Rogers.
- Q Age? A 63 years old.
- Q Place of residence? A Claremore.
- Q Are you a citizen of the Cherokee Nation? A Yes, sir.
- Q How long have you been such? A All my life, a little over 63 years.
- Q Did you go out of the country during the war? A Yes, sir.
- Q When did you return? A '66.
- Q Where did you come to? A Came to Fort Gibson.
- Q And stayed there did you? A Yes, sir.
- Q Well what was your business? A After I come back?
- Q Yes? A I followed freighting for something over three years.
- Q Where and between what places? A Sedalia and Pleasant Hill and Kansas City to Fort Gibson.
- Q Were you ever acquainted with a Freedmen by the name of Moses Whitire? A Yes, I knew him.
- Q Where did he belong before the war? A He belonged in Coing; State District.
- Q Do you know what particular Whitire he belonged?
- A I don't remember whether he belonged to George Whitire or Lee Whitire.
- Q If you did see him when did you first see Moses Whitire after the war, after your return to the Cherokee Nation?
- A As well as I can remember it was in February, '68; I met him just on this side of the Neosho River, as they were moving back to this country from Kansas. There was between 24, from 24 to 28 wagons and I met them right on this side of the Neosho River; Dick Whitire, Moses Whitire and Aaron Whitire and old Major Wright is all I knew in the outfit.
- Q Did you have any conversation with them, stop and talk with them?
- A Yes, sir, and Col. Bill Ross passed while I was talking to them going to Fort Scott.
- Q Did you ask them where they was going to? A They said they was moving back.
- Q Well this 25 or more wagons was loaded with people?
- A Yes, mostly every one had household goods in them.
- Q Colony of Cherokee Freedmen? A Yes, sir, coming back to the Cherokee Nation.
- Q Well now that was where you say it was? A It was right on this side of the Neosho River; between the old Hudson place and Neosho River.
- Q How far from the Neosho River? A I suppose half a mile.

Q How far from the North line of the Cherokee Nation?

A I think the river is the line, about half a mile.

Q And how far is that from the Kansas River? A The same, in the line, you understand it.

Q You had reference to where the military road crosses the Nepele river? A Yes, sir.

Q At Jack Moulden's ferry? A They call it Mazon ferry at that time.

Q Mazon lived there? A Yes, sir, in about a half mile.

Q And this Moses Whitire you met and talked with in the same place you knew in Going Snake and belonged to the Whitire family there?

A Yes, sir.

Q About how old a man was he when you saw him? A He is an older man I think than I am.

Q And you saw other with him you know? A I know Aaron Whitire and Leon Whitire and old Major Wright is the old ones I know.

Q And you talked with him there? A Oh, I guess I talked with him ten or 15, 20 minutes and while I was talking to him Col. Ross passed going to Fort Scott.

Q Do you know where this man Whitire lives now, Leon Whitire you met?

A No, I don't know where he lives.

MR. HASTINGS, Cherokee Representative:

Q Don't you know he lives on Salt Creek near Pryor? A No, I don't know for certain I heard he lived on Big Creek. I don't know though where he lives, I have met him ever since I have been here. I don't think I ever was at his house.

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I hereby certify upon my official oath as stenographer to the Commission to the Five Civilized Tribes that I correctly recorded the testimony and proceedings had in this case on the above date, and that the foregoing is a true and complete transcript of my stenographic notes thereof.

(Signed) J. O. Hanson.

Stenographer.

File with C. F. D-518.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., April 22, 1903.

In the matter of the application of ~~John~~ Malwee et al for
enrollment as Cherokee Freedmen, F. D. 173.

Applicants represented by A. S. McRea, Muskogee, I.T.
Cherokee Nation represented by James S. Davenport.

COMMISSION: The representative of the Cherokee Nation makes
satisfactory proof of service that testimony would be introduced
in behalf of the Cherokee Nation on the 22nd day of April, 1903,
at the office of the Commission at Muskogee, Indian Territory.

ELIZABETH DRUM, being first duly sworn, testified as
follows:

MR. DAVENPORT: What is your name? A Elizabeth Drum.

Q Where do you live, Mrs. Drum? A I live near Illinois Station,
Cherokee Nation? A In Illinois District, yes, sir.

Q How old are you? A I couldn't tell you just exactly my age, I
don't know; I'm over 70 though.

Q Was you born and raised in the Cherokee Nation? A Yes, sir.

Q Near what place were you raised? A I was born back in the old
country.

Q Did you know Ocie Brown during his lifetime who was a Cherokee
man? A Yes, sir, I knew Ocie Brown.

Q Do you know whether or not he was living when the Civil War
broke out? A He wasn't living, he was dead.

Q Where had he been making his home prior to his death, Mrs. Drum?
A Well, he made his home in Canadian and in the Choctaw Nation.

Q Choctaw Nation? A Yes, sir.

Q Did you know his son Richard Brown? A Yes, sir.

Q Was he living or was he dead at the breaking out of the war?
A He was killed.

Q Where was he at the time he was killed, if you know? A He was
in the Choctaw Nation somewhere.

Q Did he have a home down there at that time? A Yes, sir, I
think so; he married over there.

Q Had married a Choctaw? A Yes, sir, married a Choctaw.

MR. McREA: I understood you to say, Mrs. Drum, that Mr. Richard
Brown was a native Cherokee Indian, wasn't he? A He was Cherokee,
yes, sir, he was Cherokee.

Q And he was only an adopted citizen if he was a citizen at all of
the Choctaw Nation, he was adopted? A I don't know; he was married
over there.

Q Well, do you know— A I don't know but what he was part Choctaw
himself, I don't know about that; he was Ocie's son, I know that;
but I don't know his mother.

Q Well now what was Mr. Ocie Brown's nationality, what was his
blood? A Cherokee.

Q Then his son Richard would be Cherokee also would he not? A
Yes, sir.

Q Did Mr. Richard Brown ever live in the Cherokee Nation, Mrs. Drum?
A I don't know; I don't know; I don't believe his son ever did,
I don't remember; I guess he did when he was a child.

Q Did you know any of the slaves belonging to the estate of Ocie
Brown? A No, sir.

Q Wasn't acquainted with any of the slaves? A No, sir.

Q Did you know the mother of Richard Brown? A No, sir, I didn't
know her.

Q Did Ocile Brown or his son ever live in the Cherokee Nation, Indian Territory? A Yes, sir, a long time ago.
 Q When did he die? A Ocile Brown?
 Q Yes. A Well, along about four or five years before the war.
 Q I say where did he die? A Over the line I think in the Choctaw Nation somewhere.
 Q Now I understood you to say a while ago that he lived, Richard Brown lived part of the time in the Cherokee Nation and part of the time in the Choctaw Nation? A I said maybe when he was a child he might have been in the Nation here.
 Q That is Richard Brown? A Yes, sir, Ocile's son. I know he lived in the Choctaw Nation all his life pretty near ever since he got grown man.
 Q Did he have any slaves, Richard? A I don't know, I guess they did, a few, two or three.

LEWIS T. BROWN: Did Ocile Brown own any slaves? A Well, I said I guess he did.
 Q You don't know any of their names, do you? A No, sir. I don't remember the darkies' names, I know Mr. Brown's son.
 Q Was Ocile Brown's wife a citizen of the Choctaw Nation at the beginning of the war? A Ocile Brown?
 Q Yes. A She was a Cherokee lady.
 Q Was Ocile Brown's citizenship Choctaw? A Well, I don't know; he lived over there.
 Q Well, Richard Brown's wife was a Choctaw, wasn't she? A Yes, sir.
 MR. McREA: Well you just stated that Ocile Brown's wife was a Cherokee, the mother of Richard Brown, she was a Cherokee? A She wasn't his mother.
 Q She wasn't the mother of Richard Brown? A No, sir, Betsy just had one child, a boy, and he's dead now I guess.
 Q Well, did you know the mother of Richard Brown? A I told you I didn't know her.

COMMISSION: This testimony will be filed with and made a part of the record in the following Cherokee Freedmen cases: D-511, D-518, D-520, D-521, D-504, D-547, D-514, D-516, D-517, D-515, D-19, and D-175, being the case at bar.

Arthur G. Croninger, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the testimony and proceedings in the above case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 25th day of April, 1902.

Arthur G. Croninger

[Signature]
 Notary Public.

My last visit to the island 10 days before the first day of July, 1925.

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To be filed with F. D. 518.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., May, 13, 1902.

In the matter of the application of Elizabeth Meigs for the enrollment of herself as a Cherokee Freedman.

Cherokee Nation appears by W. W. Hastings.
Applicant appears by L. T. Brown.

MRS. LYDIA BARTON, being first duly sworn testified as follows:

- MR. HASTINGS: What is your name? A Mrs. Lydia Barton.
- Q What is your postoffice? A Fort Scott, Kansas.
- Q Do you hold any official position at the present time? A Yes, sir.
- Q What is it? A County Clerk.
- Q Of the county in which Fort Scott is located? A Yes, sir.
- Q Have you an official paper? A Yes, sir.
- Q What is it? A Our official paper at the present time is the Republican, but that changes you know from time to time.
- Q Do you know what your official paper was in December, 1866, and up to and including March of 1867? A Yes, sir.
- Q What was it? A The Fort Scott Monitor.
- Q Are you required to keep files of this paper in your office? A Yes, sir.
- Q Have you a file of the official paper including December, 22, 1866, up to and including March of 1867? A Yes, sir. (Here presents files.)
- MR. HASTINGS: The Cherokee Nation offers in evidence the account found in the Fort Scott Monitor of date Wednesday, December, 20, 1866, found on the second column of the editorial page, headed "Another Murder."
- MR. BROWN: Comes now the agent for the applicant and objects to the introduction of these newspaper accounts for the reason that they are incompetent, irrelevant and immaterial, and purely hearsay.
- COMMISSION: The objection will be noted and the newspaper accounts introduced in evidence and considered for what they are worth.

"Another Murder.

Shooting of D. Hayford.

Testimony given before the coroner.

On Saturday night, the 22nd. inst., after dark, Mr. Dyer Hayford of this city was found murdered. A colored man, named Eli Mackey, has been arrested, and is in jail, charged with the crime. There would not seem to be much, if any, doubt of his guilt. Mr. Hayford, has been a resident of Fort Scott for several years, has kept a grocery and provision store on the corner of Williams and Bigler Streets, and was a very quiet and inoffensive man. The facts of his murder as we learn them, are these.

On Saturday, about dark, the sack of flour which Mr. Hayford had placed on a box, outside the door of his store, was stolen. Being missed almost immediately, and learning that Mackey had taken it, and was then on his way home with it, (Mackey resides near Fort Scott mills,) Mr. Hayford jumped on a horse and started towards the mill. He had not been gone more than twenty or thirty minutes before several shots were fired, on the road between the city and the mills. where Mr. Hayford was found on the ground, in the last agonies of death. He had received four shots from a weapon, evidently a revolver.

Suspicion was at once directed to Mackey and he was arrested. As the news spread through the city, the excitement and the indignation was great, and many threats of lynching Mackey were made; but wiser and better counsels prevailed, and there was no disturbance.

On Sunday, Justice May gave was called on to hold a coroner's inquest. A jury was empanelled, consisting of Messrs. C. T. Drake, Joseph Ray, Frank Clough, Porter Williams, Joe Farden, and P. L. Phillips. The body of Mr. Hayford having been removed to his late residence, the jury proceeded to inquire into the cause of his death. We give the principal part of the testimony given before the jury:

Drs. J. S. Redfield and B. R. Henler had a post-mortem examination; and testified that they found four pistol or gun-shot wounds on the body and face of Dyer Hayford, then lying dead before them. One shot entered the region of the stomach which came out over the liver, in the side of the back. This wound bears evidence that the pistol was held close to the body when discharged. Two other wounds found on the body were about two inches above the left nipple and about an inch and a half apart - one ball passing through, coming out below the left shoulder, the other ranging downward, and was found close to the spinal column, a few inches below the lower ribs on the left side of the body. The fourth ball entered the upper part of the chin, not fracturing the bone, and lodged in the right shoulder, (evidently fired, we think, after he was on the ground.) The surgeons testified that any of the three wounds found on his body would have been mortal.

Alonso Guillin, (colored) sworn - was at Hayford's Saturday evening, just after six o'clock, came on horseback, left my horse at the door, went in and found Hayford alone and coming toward the door; Eli Mackey, colored, was standing on the walk when I went into Hayford's; a sack of flour was standing on the box at the door when I went in; Hayford came out and the flour was gone; he asked me who was there when I came in, and I told him; asked me to get on my horse and follow Mackey and see if he had the flour; did so; rode very fast and overtook Mackey at the mill, going toward the mill; he had stopped and the sack of flour was on the ground beside him; his coat was off and thrown over the flour but the end of the sack was in sight; I rode close to him; he put his hands up to his sides and was blowing right and left; I inquired if he had seen a steer with a rope on his neck; he said no; I rode back toward Hayford's and told him Mackey had the flour and where it was; Hayford said he would go and get the flour, and asked me for my pony; he got on and rode down the road; he had been gone a good while before I heard the firing; he had been gone long enough to ride to the mill and back to the place where he was shot, before I heard the firing. When I saw Mackey at Hayford's he had on a soldier's coat; it was off when I found him with the flour. Didn't notice that at any time whether Mackey had any arms or weapons with him; saw him again after he was arrested, a short time after Hayford was killed; he then had a different coat. He asked what he was arrested for; he was told, for stealing flour; he asked who had seen him with the flour; he was then told he had shot Hayford, and he said he had nothing to shoot with. I know that he generally carried a revolver, when I saw him with the flour I didn't notice whether he had one or not. When Hayford started from the store, he said he would go and get Mr. Myers to go with him to get the flour; from the place where I saw Mackey with the flour to that where Hayford was shot, is about one hundred yards. I heard three shots distinctly.

Harry Bender, (colored), sworn - Saturday evening heard several shots fired. Was at home, lived near the mill close by Eli Mackey. About twenty minutes after the shots were fired Mackey came to my door; asked me if his wife was there; told him no. He seemed to be in a hurry. He had on a black soldier's coat; the shooting sounded as if it was south from my house, and about the place where Hayford was found. Someone rode down to Mackey's and returned about fifteen minutes, before the shots were fired. Saw the coat which Mackey wore when he came to my house, at his house afterward. - Do not know whether he had any revolver then or not, he usually carries one, have seen him have one several times. I did not notice any flour on his coat. It was a navy revolver which Mackey usually carried. He also owns a gun; didn't see that at his house that night. When Mackey left my house he went to his house, and soon afterward heard him going back to town whistling. Mr. Jones found the sack of flour at the edge of the creek; looked as if thrown down the bank. Was found about twenty yards from Mackey's house. Saw Mackey have a revolver on Friday the day before Hayford was killed.

E. C. H. Myers, sworn - I live about 100 yards west of Eli Mackey's. Saturday night was at home sick abed; a man came to my house and inquired for me; I heard him and knew by his voice that it was Mr. Hayford; have known him several years. He left and my wife said he rode in a northerly direction, that is the way from my house to Mackey's. About five minutes after he left I heard four distinct shots. From the sound thought they were about 150 yards off and southwest from my house. After the firing heard someone walking past, whistling; he was going towards town.

Stephen Lookey, (col.) sworn - After dark Saturday night I saw Eli Mackey at Smith's saloon. He asked me to play cards with him that night. He went out and I told him not to stay long. I waited a good bit and Mackey didn't come back and I went out and called him; he didn't answer. I then went over to Hayford's and learned that a sack of flour had been stolen. Didn't notice whether Hayford was there or not. Alonzo Cullin told me he saw Mackey on the road towards home, and that Mackey heard me call, but wouldn't answer. Didn't see Mackey again until Mr. Jones had arrested him, and brought him up to town. When I saw Mackey at Smith's he had on a soldier's frock coat; he had a revolver on him then; it was a big navy revolver. When I saw him after he was arrested, I think he had on a different coat.

Daniel C. Neil, sworn - Saturday night I was at Kirby's and heard a shot fired, and soon after heard a man halloo; run out and another shot was fired before I got out; immediately after heard another shot and saw the flash of a pistol down in the bottom toward the mill. Alex Harris, Vestly Bickey and myself run down the road. We found a man lying on his side; his face was turned downward; he was alive but could not speak. From the sound I know it was a pistol that was fired. Came to town to find Mr. Jones, Deputy Marshal.

The coroner's jury returned to the justice their inquisition, stating that Dyer Hayford came to his death by gun-shot wounds received at the hands of Eli Mackey; they also found that Mackey had feloniously and wilfully fired the revolver at Mr. Hayford with intent to kill him.

Mackey will have his examination soon, before Justice Hartgrave, and will no doubt be committed for trial at the next April term of the district court. Mackey is said to be a very dangerous man; he was raised in the Cherokee Nation, and is said to be part Cherokee. He is also accused of having assassinated two men in the Nation, before he came to Fort Scott.

and he was once before arrested here, for shooting at a man; but before his trial came off the prosecuting witness left for parts unknown, and Mackey was discharged without trial. Let him be tried for the offence with which he now stands charged, and if guilty he should expiate his crime on the gallows."

MR. HASTINGS: I desire to introduce an editorial from the Fort Scott Monitor of date February, 27, 1867, as follows:

"Eli Mackey, colored, accused of the murder of Dyer Hayford, confined in our jail, to await his trial at the next term of the District Court, for murder in the first degree, escaped last evening, and up to the time of going to press this morning, has not been heard of. A reward of two hundred dollars is offered for his apprehension."

MR. HASTINGS: The Cherokee Nation offers in evidence the following from the Fort Scott Monitor of Wednesday, March 27, 1867:

"A Chapter of Honors."

Murderer of Hayford Captured and Held.

Tragical events connected with the affair.

The history of our community for the past week is replete with horrors, such as will, for long days to come, overshadow the hearts of our citizens with gloom.

A few weeks ago, we published an account of the escape of Eli Mackey, the black fiend, who last winter murdered Dyer Hayford. Ever since that time the officers of justice have been on the alert with a view of his recapture, and on Wednesday, the 25th inst., Deputy Sheriff Wheaton, having learned that the murderer was concealed in his brother's house, about five miles northeast of this city, started, in company with his son, Charles T. Wheaton, Edward Coe - who were on police duty in this city - and Benj. Files, for the purpose of capturing him.

On arriving at the house, Messrs. Coe and Wheaton, Jr., approached and ordered the wretch to surrender. In return he fired several shots through the partially open door, and then ran out of the house into the open prairie. Coe, being nearest, received the first shots that were fired. He stepped to the corner of the house, sat down and expired in about fifteen minutes. Three days after Charley Wheaton received a ball in the right side and fell to the ground. For some time no hope was entertained for his recovery; but at the present writing his condition is improved, and his friends entertain some hopes that he will live.

In the mean time a number of the neighbors had gone around and headed by Capt. Curtis Johnson, Mr. Files and Mr. Dickinson started in pursuit. The murderer, with a gun and revolver in his hands, ran fleetly across the prairie, firing at his pursuers as he ran, and dropping down to load as fast as his weapon became empty. Finally, when nearly dead from the wounds he received from his pursuers, he signified his readiness to surrender; but even after they approached him his bloodthirsty spirit was not satisfied, and he fired the two remaining shots in his revolver at the crowd. Fortunately, no one was injured, though Mr. Dickinson had part of his coat shot off. After the murderer was secured he was taken back to the house from which he had fled and hung by the neck until he was dead. Before his death he tried to implicate an innocent negro in the murder of Mr. Hayford, but having been caught in the falsehood, he confessed to having committed the deed himself. He also confessed to having killed five other men, and also to having shot at Major Mefford last winter. - All reports indicate that he has always been a character with scarcely a parallel in the annals of history for desperation

and bloodthirstiness. - We are informed that at one time, in the Cherokee Nation, 25 men attempted to arrest him but failed on account of his desperation. The colored people, who knew him, were terrible afraid of him. History has seldom presented a character so utterly lost even to every sentiment of humanity.

As a general rule, we have always depreciated the taking of life except by due process of law, as dangerous to the peace and quiet of the community and to the best interests of society. We have always found that nothing but the most extreme necessity would justify it, but we believe in this instance that necessity existed; for every moment this desperado was allowed to live, endangered the lives of good citizens. We learn that the house he occupied was since burned to the ground. The sufferers from their attempt to arrest him, were among the best of our young men. As members of the police force of this city they have performed their duties faithfully generous and brave to a fault, the death of one and the danger to the other creates a spirit of sadness that cannot soon be eradicated.

The body of Mr. Coe was brought into the city, and on Friday after a funeral sermon by Mr. Irwin was escorted by a large procession, headed by the members of the Grand Army of the Republic to the cemetery where it was interred.

Sequel.

On Thursday night a crowd of about fifty men, still laboring under the excitement growing out of the tragedy of Wednesday, entered the jail and having possessed themselves of the keys took Jackson Mackey and Harry Vann - on the brother who harbored the murderer and the other charged with furnishing provisions and aiding in his concealment, to the ravine near the poorhouse and hung them to a tree where their lifeless bodies were found next morning. So quietly was this done that few in the city except those who participated knew of it until the next morning."

Benjamin Files, being first duly sworn, testified as follows:

MR. HASTINGS: What's your name? A Benjamin Files.

Q What is your postoffice? A Fort Scott.

Q Kansas? A Kansas, yes, sir.

Q Were you living there at the close of the war? A Yes, sir.

Q Were you living there in '86, December? A I have lived there ever since '82.

Q Did you know Pyer Hayford? A Yes, sir.

Q Had you known him before December '86. A Yes sir, I had known him in the neighborhood of two years before that and knew him up until that time.

Q Was he killed? A He was killed at Fort Scott.

Q Was he killed in the town? A He was killed just at the brink of the hill along in the mouth; yes, sir he was killed in the city just about the brink of the hill.

Q About what time of the day was he killed? A He was killed just after dark, just dark.

Q Do you know who killed him, who was said to have killed him, who was accused of killing him? A Yes, sir.

Q Who? A Eli Mackey.

Q Was he a colored man? A Yes sir, he was.

Q Did you assist in his arrest? Yes, sir.

Q Who arrested him? Myself and a man we called Deacon Jones.

- Q That this other man here with you? A Yes, sir.
- Q About how long after this reported killing? A I heard the shots fired, then run down there and run over him; I lit a match and this man drew his breath twice. From the time the shots fired I wouldn't it was more than twenty minutes.
- Q Twenty minutes? A Yes, sir.
- Q Had it become generally known at the time of the arrest? A No, sir.
- Q There was no time for the public to know? A Only a few people knew; I heard the shots fired myself and run down there.
- Q And a few people knew that the killing had taken place before he was arrested? A Yes, sir.
- Q And the excitement then, was that after that? A Yes, sir, they didn't have time to know it.
- Q Was he put in jail? A Yes, sir.
- Q You remember how long he remained in jail? A Till about the twentieth, sometime in February, 26th I think it was.
- Q Of February following, of 1877? A Yes, sir.
- Q Well did he make his escape? A He got away.
- Q He got away? A Yes, sir, he got past the turnkey, Ed Coe.
- Q Ed Coe was the turnkey, was he? A Yes, sir.
- Q I will ask you then if there was any searching parties out for this man? Yes, sir.
- Q For how long? I think he was killed on the 20th of March.
- Q From then about the 26th of February until the 20th of March people looked for him, a reward offered for him? Yes, sir, some three hundred dollars I believe.
- Q Well were there quite a number of people out searching for him? A Yes, sir.
- Q Considerable excitement at that time? A Yes, sir.
- Q Did people go out in the country looking for him? A Yes, sir, and searched houses and searched hands, they looked around for him, but failed to find him.
- Q Up until that time? Yes, sir.
- Q You say that was for about three weeks? A Yes, sir, something over three weeks.
- Q From the 26th of February up until about the 20th of March? A Yes, sir.
- Q Do you know whether this Eli Hackey was reputed to be a Cherokee? A Yes, sir, he was.
- Q I believe there was a newspaper account to the effect that when he was captured he was hung up there? A He was killed, yes, sir.
- Q What I want to get particularly from you was whether there was any search made for him at the time he was killed or whether search was made for him after his escape, after the 26th of February? A There was no search made for Hackey until he broke jail.
- Q No houses searched, nor no wagons, nor no nothing when he was first captured? A He was in jail. I don't think it was much over a half an hour, I don't think it was any; he was in jail in not much over half an hour after he shot Hayford; I heard the shot that killed Hayford.
- Q And you helped to arrest him? Yes, sir, I got to Hayford before he died, but he was too far gone; I lit a match and he was too far gone to speak.
- Q You had known Hayford prior to that time? A Yes, sir, sir and he was a friend.
- Q You was a friend of his? A Yes, sir.

H. O. Jones, being first duly sworn, testified as follows:

MR. HASTINGS: What is your name? A H. O. Jones.
Q What is your postoffice? A Fort Scott.
Q Kansas? A Kansas, yes, sir.
Q What is your age, please sir? A 65.
Q Were you holding any office in the town of Fort Scott, Kansas, in December of '65? A I was.
Q Well were you holding any office at the time a man by the name of Hayford was killed by Eli Mackey? A I was.
Q What office was that? A City Marshal, called town constable.
Q You was a city policeman? A Yes, sir.
Q Did you assist in his first arrest? A I did.
Q Who assisted you in the arrest? A Mr. Benjamin Files.
Q This man that's present here? A Yes, sir.
Q Did you hear the shots that killed Hayford? A I did.
Q How soon after Hayford was killed was Mackey arrested, Eli Mackey?
A 20 or 25 minutes, inside of a half hour at most.
Q Very short time? A Yes, sir.
Q Had any houses or wagons or anything of that kind been searched in the mean time? A No, sir, there was no knowledge.
Q People didn't generally know it up to that time? A No, sir.
Q Put in jail then? A He was taken right to the jail as soon as he was arrested, he was hurried off to jail for fear of any mob violence.
Q Well how long did he remain in jail, do you remember? A Why I think something like six weeks or more.
Q Well the Fort Scott Monitor puts it about February 26th? A I presume that was right, it was correct. It was hard for me to remember exactly.
Q Well he remained in jail up to that time? A Up till that time, he was let out of jail except while he was under guard.
Q He made his escape then? A He made his escape, yes, sir, at the time.
Q You know how long he was at large? A Well I put it something like three weeks.
Q I will ask you if there was any searches at that time made for him?
A You mean after?
Q When he got away after February 26th? A Oh yes, sir, there was considerable hunt for him at that time.
Q Reward offered for him? A Yes, sir, reward offered.
Q People searched around in the country for him? A There was quite a number of both officials and independent searches, they would search for him for the first couple of weeks of his escape from there.
Q He was afterwards captured was he? A Yes, sir, he was located afterwards, he hadn't been out of a radius of probably ten miles from there after he got away, he was captured.
Q Do you know whether this Eli Mackey was reputed to be a Cherokee colored man? A He was called a Cherokee refugee, yes, sir, had the reputation, that is his name, of being a Cherokee nigger.
Q MR. SICK: You are positive about these dates? A To the best of my knowledge now, I would have put it, that is, a week before the killing was done.
Q A few days before Christmas of '65? A Yes, sir.

MR. HASTINGS: The Cherokee Nation asks that all the testimony introduced in the case of Aaron Rebber, D-412, with reference to the return of the Wenner detachment, be introduced and made a part of the record in this case.

MR. BROWN: Comes now the agent for the applicant and moves the Commission to strike from the records of this case all the testimony taken on this day for the reason that it is incompetent, irrelevant, and immaterial and not the best evidence, it being merely hearsay.

COMMISSION: The request of the representative of the Cherokee Nation will be complied with, and the testimony filed.

This testimony will be filed with and made a part of the record in the following Cherokee Freedmen cases: No. D-394, D-396, D-398, D-401, D-402, D-404, D-407, D-775, and in D-391, the same being the case at bar.

Arthur G. Croninger, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the testimony and proceedings in the above case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(signed) Arthur G. Croninger.

Subscribed and sworn to before me this 24th day of May, 1902.

(seal)

(signed) Philip C. Roster.

Notary Public.

I, Arthur G. Evans, a stenographer to the Commission to the Five Civilized Tribes, on oath, state that the above and foregoing is a true and perfect copy of the original now on file with the Commission as the same was made by me.

Arthur G. Evans

Subscribed and sworn to before me this 23rd day of July, 1902.

Philip C. Roster
Notary Public.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., May 20, 1902.

In the matter of the application of Edward Wright for the enrollment of himself as a Cherokee Freedman.

APPEARANCES:

Ben J. Scoville, representing E. B. Lawson, for applicant.
W. W. Hastings, for Cherokee Nation.

COMMISSION: The Cherokee Nation, by its representative, makes satisfactory proof of service on the applicant's attorney that it would, on the 20th day of May, 1902 introduce testimony tending to disprove the right of the said Edward Wright to enrollment as a Cherokee Freedman. The applicant this day appears by his attorney, E. B. Lawson, who is represented by Ben J. Scoville, Nowata, Indian Territory.

MR. HASTINGS: The Cherokee Nation offers in evidence a decision of the Chambers Commission on Citizenship as found on page 55 of a book taken from the records of the Executive Department of the Cherokee Nation entitled, "Docket of the Chambers com'n on Citizenship," as follows

"No. 25 Edward Wright
vs
Cherokee Nation. (Ex. 7th of June.
(Answer filed.

Judgment against claimant June 27, 1879."

The Cherokee Nation also offers in evidence from the same record as above page 57 of the same, the following:

"No. 29. Major Wright
vs
Cherokee Nation. (Ex. June 7th. Statement filed
on the 26 of June.
1st July not, 1st Aug.
not for trial.

Judgment against claimant June 27th, 1879."

The Cherokee Nation offers in evidence the application made for citizenship in the Cherokee Nation by Lewis Whitnir on the 26th day of June, 1878, as found on pages 164 and 5 of book B, entitled, "Citizenship record 1874," as follows:

"Before the Commission sitting at Tahlequah to-day claims to Cherokee citizenship.

The undersigned claimant in the case of
Lewis Whitnir

vs
Cherokee Nation

respectfully presents the following statement of his claim according to the requirement of the Commission.

Claimant claims under classification five of claimants in the law creating this Commission, that is, as a colored person formerly a slave owned by a citizen and resident of the Nation at the

beginning of the late war, freed by law and made a citizen of this Nation by provision of the treaty of 1866. For

claimant was at the time the slave owned by George Whitmire, a Cherokee citizen, left the country during the war and returned in the summer of 1866 to select and prepare a home for his family (they then being without one) and again the following year prosecuting the work in his circumstances and the condition of the country at that time prevented and leaving his family in the intervals of his when they would subsist without discovery and exposure and until a removal of that was practicable which removal of claimant finally was accomplished to the point of the Nation settled by squatters for the same and his home in the spring of 1867.

Claimant's rights have been called in question by competent authority, and he therefore presents them to the Honorable Commission of this Commission as are authorized as to do by law.

This June 26, 1878.

Lewis Whitmire,

By W. F. Deadinet, Atty.

The Cherokee Nation offers the following from the same book and continuing on the same page, the application of Moses Whitmire as follows:

"Before the Honorable Commission sitting at Bartlesburgh to try rights to Cherokee citizenship."

In case of Moses Whitmire

Cherokee Nation,

claiming Cherokee citizenship.

Claimant claims under the fifth specification of the clauses of claimants to citizenship as found in the law creating this Commission, to wit as a colored person formerly a slave owned by one George Whitmire, Cherokee citizen, resident of this Nation, at the beginning of the late war, and freed by law and made a citizen by provision of the treaty of 1866. Claimant respectfully refers to the statement by claimant Lewis Whitmire as embracing the facts which the present claimant would submit to the Commission as the grounds of his claim.

Respectfully submitted,

Moses Whitmire.

June 26, 1878.

By W. F. Deadinet, Atty.

The Cherokee Nation offers in evidence from a book taken from the Executive Department of the Cherokee Nation entitled, "Register of evidence before Court of Commission Cherokee Court, Book A," page 239, case No. 80, as follows:

Aaron Whitmire

vs

Cherokee Nation.

"Case 80."

Bartlesburgh,

July 3, 1878.

"I am a witness for claimant called and sworn. I am I think I am about 47 years old. I live in Illinois District, S. W. Am a citizen of the Nation. I have been on the warpath roll but had my rights proven up before the Supreme Court."

Am a citizen under the treaty of 1866. I went north to the state of Kansas in '82. I returned in August - 21st or 22nd, 1866. I left my family in Fort Scott when I came. I came down to get me a claim. I staid about three weeks that time, and then returned to Fort Scott. After I returned to Fort Scott there were others who started down, the Whitmires were of that number. The claimant was one of them. They come down along the Deer, 1866. They returned to Fort Scott before I left there. I left Kansas about the 2nd week in January 1867 and got to the crossing of the Neosho river about the last of January. When I first come down there was about 15 in the party. They left their families in Kansas when they came down here. There was some of party come with the Whitmires who piloted the Whitmire party and my party were Sam Webber, Mike Daniels, Sam Webber, Jr., Aaron Webber, Reubin Sanders, Tuck Sanders.

The Whitmire party driver were Aaron, Lewis, hose, Dennis and Holson Whitmire and others that I do not recollect. The object of this part coming was for the purpose of erecting homes. When I moved with my family I stopped on Fryors Creek at Mrs. Alberty's and remained about two weeks. The reason we left that part of the country was because that part of the country was too sparsely settled and bare of subsistence. As I was coming down the first time we were overtaken by the Cherokee Delegation. They were some who come here were authorized by others to locate claims for them, one was by McKoy requesting Abe Fields to locate for him. The original request filed.

Gross Examined.

I can not remember the date I arrived here the first time from Kansas. The claim we made I got three sets of house logs, hauled them and piled them up, and some of the men put up houses. I did not put up a house. I started back to Kansas about the middle of September. When I first left the country it was in February, 1862. I was a slave before the war and was owned by Sam Taylor when the war broke out. He was living on Greenleaf near Bushy Mountain on this side Arks. River. When the Whitmires returned to Fort Scott I do not know when they left there to come to this country as I left there when I left. It was reported when they returned to the Nation that the Whitmire party had built houses. But I do not know this myself as I was not along. I only heard they had. The war closed in 1865 I think. I did not know it myself but people told me who could read.

I do not know myself that it was the month of Aug. When I come here first, but I was told it was that time.

Re Direct.

I was the December following the time I first came down that the Whitmires came down first to select and improve claims.

Nick x Fields

his mk.

Aar on Whitmire

vs

Cherokee Nation.

called and sworn.

August 1, 1878.

Bluford Alberty, witness for claimant.

I reside in Coowascoowee District, C. N. I am a native Cherokee citizen. I left the Nation during the war. I returned to the Nation on the west side of Grand River, Coowascoowee District,

on the 3rd of September, 1866. I had occasion some time in the last of Oct., or the first of Nov., or probably it might have been as late as the middle of November, to go to the Virginia. While out there I fell in with a party of seven or eight persons who were called with others near San Francisco. I did not go to the camp. They were colored people. I knew most of them. Their names were old Sam Webber, Aaron Whitire, and a younger brother and Lewis Whitire.

There was another person whom I was told was a Landrum. I do not recollect any of the others and can not identify them. The Whitires were Johnson and George Whitire, Aaron, Lewis and his father belonged to George. In conversation with Sam Webber he asked me if I knew anything about the treaty and if Jim Robinson had got home. I told him I had not seen the treaty but had heard rumors about it. He told me they had come to pick themselves up or make claims and that he was the leader of the company and the reason why Major Knight did not come was that he was an old man, but that he had sent his son down to work for him and make him a claim. He then asked what chances there was to get provisions over on the river. I told him there was none there, but that there was a lot of condensed flour at Gibson and if they would go there they would get some. He also represented that they had come down to make claims for others who had remained in Kansas, to build them homes and so forth. They also stated that they were notified to come, and that they had accordingly come to make claims for themselves and the others that they left behind in Kansas. As near as I can recollect it was some time in October or November that I saw these parties. I was not very cold weather at the time. I recollect as I came out at night, did not see any of these parties after this time, May, 1867. There was no provisions to be had in this country at that time. Provisions were very scarce. It was my understanding that they had come to prepare horses for themselves and families. They told me so at least. Major Knight belonged to Cornelius Knight before the war.

Cross Examined.

I heard after this some of them went back to Kansas. At the time I met them I do not know whether their families were with them. I think I saw Dennis Whitire with this party, but am not certain of seeing Dennis or Nelson. I know there was four of the Whitires boys. They were owned in the Nation and resided here up to the breaking out of the war.

B. W. Albany.

Aaron Whitire
vs
Cherokee Nation.

I know Melissa Retiff. She was twelve or thirteen years old at the close of the war.

She was living with me then and still lives in my family. Jack Landrum was one of the band above referred to, also Ransom Daniels. I learned from our leaders Uncle Mike and Sam Webber that the Cherokee delegates advised us to settle in a compact body on unoccupied lands. We crossed the Nation in coming down at Melank's party in 1866. The chief ferryman who crossed us was Bill Martin.

While on Lightning Creek in 1866 I saw Mr. Albany but had no conversation with him, but Sam Webber had in my presence.

I am a claimant before this court for citizenship. I am a half-brother of Aaron Whitmore, Daniel, Beulah and Nelson are also my brothers. Mariam Whitmore is my sister. Major Wright is my stepfather. The names of the party that came with me to the Nation are as follows: Mike Sanders, Sam Webster, Peter Hedge, Will Foreman, Tuck Sanders, Hanson Daniels, Sam Webster, Sam Louis Whitmore, Nelson Whitmore, Beulah Whitmore, Aaron Whitmore, is all I can recollect now. Witness and my brother were authorized to make claims for others still back in Kansas. Beulah made a claim for Major Wright. I can't name any other. Witness was part of family in 1866 when he came on from Kansas. My family was at Fort Scott. Melissa Ratliff, Ed Ratliff, and my wife and my son represented my family. Louis had no family. Aaron and Nelson did. Joseph, Sam, Hanson and Allen were Aaron's children and his wife, Sarah. They were left, the wife and children in Fort Scott when we got in 1866. Eliza Sanders, Thos. Sanders were Nelson's family and back in Fort Scott. We went back 1st January 1867 to Kansas after coming to the Nation. When witnesses returned in 1867 to the Nation Aaron, Louis, Nelson, Beulah, Hanson, Daniels, Tuck Sanders, Peter Hedge and the families of those who had families all came as I did. Others not particularly remembered. This was the first time any of our families had been to the Nation, at least mine, Aaron's and Nelson's.

The first time Mariam Whitmore was in the Nation after she was allowed was after our parties returned in 1867.

The first time Major Wright returned was on that first trip in 1867. Melissa Ratliff was visited by one Alice Ratliff at preaching out of her. She first came in March 1867. Jack Landrum was also in 1866. He was a slave at the beginning of the war. I was present during the examination of Mr. Liberty as a witness in this case.

Mariam's family at the close of the war was a separate family. Harry Whitmore, her son, represented his mother on the first trip in 1866. Witness is about 53 yrs. old. Major Wright was an old man at the close of the war. Louis Whitmore had been back to the Nation before 1866.

Attest
 M. L. Nicholson, Clerk.
 H. M. Whitmore, Mark.

Aaron Whitmore & family) Case 63.
 Cherokee Nation.) Claiming citizenship.

Now comes claimant, by Atty before the Commission sitting at Farlequah to try certain claims for citizenship in the Cherokee Nation and makes this his statement of his grounds for said claim to wit-

Claimant is a colored person and claims as aforesaid under privilege of the fifth specification of the act of Congress preferred by law to the Commission to examine and decide rights by competent authority having been declared citizens.

Claimant belonged to Geo. Whitmore a Cherokee citizen at the commencement of the war of the rebellion and was then living in this

Nation. After the beginning of said war claimant moved to or the vicinity of Fort Scott with his family at which location he resided until the summer of 1866 when he returned to this Nation and proceeded to select and improve a home on the Verdigris River for himself and family's permanent residence.

While he was thus making preparations for the removal of his family by providing for their habitation and subsistence at the place mentioned they his family remained where they had been sojourning during the war.

Claimant was compelled by unfavorable circumstances and the attention he was obliged to bestow upon his family to permit him to work upon his improvement on Verdigris River from the early fall of 1866 to the early winter of the same year, when he secured labor upon his improvement, after which he removed his family as soon as practicable to wit in the spring of the year of 1867.

Claimant claims to have returned to this Nation in his own person and as representative of his family within the time provided for by treaty, in that having no residence to come to or other former citizens he did everything possible to constitute a return consistent with the duty he owed to his family by laboring as far as his means allowed to provide a home in this Nation.

Respectfully submitted,

Aaron Whitire,

By Atty Wm. P. Soudinet.

Aaron Whitire

vs

Cherokee Nation.

August 1st, 1878.

Wm. Martin, witness for claimant, called and sworn.

I live on Big Creek, Goodesocowoc, C. N. Am a citizen of the Nation. From August up to Christmas 1866 I was at the ferry on the Neosho River on the old Military road leading from Fort Scott, Kansas to Fort Gibson, C. N. Am acquainted with claimant and his brother, Lewis, never knew Aaron until I meet him at the river. Lewis I knew prior to that time. While I was in charge of the ferry I recollect having met claimant and Mose, Lewis, Dennis and Nelson, Whitire, Peter Helge, Mike Sanders, Sam Webber, and Young Sam, Bill Foreman and others but I do not recollect anything about them. They were traveling. They stated they were coming from Fort Scott, Kansas, they were traveling from the direction of Fort Scott. I crossed them from the Shawnee side of the River into the Cherokee Nation, they inquired the road to Big Creek. McLean gave them the directions to the head of Big Creek. They stated the reason why they were coming was that the Cherokee Delegation had invited them to come back under the treaty. They mentioned Jim McDonald as the principal one who had invited them and they were then on their way to select themselves homes.

It was after the Delegation returned that I met claimant and the others spoken of it was pretty cold weather when I crossed them. It was as near as I can recollect about the last of October, 1866. I am positive it was before Christmas at I left them at Christmas or probably a few days before Christmas.

Cross Examined.

I was not acquainted with the claimant nor any of the others named previous to the war.

I do not know who owned before the war. I do not know whether they had lived in the Nation previous to the war. I do not recollect of seeing any of the families of the parties named at the time,

I crossed them over the river. I set some of this same party back over the river a short time after they had come in. Lewis, Nelson and Dennis Whitmire and Little Sam Webber and I think they were more who crossed back but I can not place them now. I learned the names of the parties from conversation with them, but did not become particularly acquainted with their names at that time. I think there was one man with the party, I think his was Little Sam Webber though I would not be right positive that there was a woman along or not. I was positive there was no children as I never saw any. They had camped there long enough that were there any women and children I would have known it. The next time I saw claimant was in the fall of 1867 on Big Creek. I learned from them that they had got there in March 1867. I know this from having heard it generally talked amongst themselves.

Re Direct.

At the present time the distance between our two settlements is about 5 miles. I recognize the claimant and the other parties spoken of. I have been there frequently since that time, I got them over the river. When I saw them in the fall of 1867 they had their families with them then. The means of subsistence at the time I crossed in the country at that time was short.

William Martin.

Aaron Whitmire
Vs
Cherokee Nation.

July 4th 1873.

Wm. McCracken for Claimant.

Witness met claimant near Fort Gibson in Novr. or Decr. 1866. Met him at the ferryboat on Grand River.

Witness had a conversation with claimant at the ferry in which claimant said he was on his way to Going Snake his former home in the Nation and seven of claimant's brothers were behind on the road.

Witness is a citizen of this Nation and knew claimant before the war.

Attest:

Wm. McCracken.

D. L. Nicholson, Clerk.

Aaron Whitmire
Vs
Cherokee Nation.

Bluford Alberty.

George Whitmire before the war lived in Going Snake Dist. This Dist. borders on the line of the state of Arks.

Claimant now resides near the western line of the Cherokee Nation. The settlement before the war was sparse where claimant now resides. I would say the distance from where George Whitmire resided prior to the war, and claimant's present residence is 90 or 100 miles. Witness states that he had a conversation with Sam Webber in which Webber assigned as a reason for settling where he had was that Agent Jones advised the colored people after their freedom to settle in colonies or as thickly as it was convenient to do in an unoccupied part of the country.

This was thought best for the colored man as they could have their own schools &c until matters were more regulated in the country.

The first conversation was in the fall of 1866. The second conversation was in the spring of 1867. I saw several of their families in May, 1867 on Big Creek or Big Laurel Creek in the Nation.

The home of claimant is in the same locality as that at the time mentioned above. In Oct. or Nov. 1866 I gave claimant and other colored men permission to occupy two old fields in that neighborhood for the purpose of raising crops the year following. Louis Whitwire is the name of the other man, I also permitted to go on the old field. The spring of 1867 I saw Aaron and Louis Whitwire at work on the two fields spoken of. This settlement of colored folks has the character of quiet industrious and law-abiding citizens as much as any in the Nation. Some of these people have large and good farms all made by themselves since the war.

Witness with a party of six gentlemen in the fall of 1866 saw this colored party who settled on Big Creek afterwards in the neighborhood for the purpose as they stated the time of selecting their homes. Several claims was then in sight of witness which the colored party said they had selected and are now the homes of the party above indicated.

Agent Jones was at the time advising said Col party. A Delegation for the Cherokee Nation at Washington. There were parties as witness learned from one of them who wished to expel or drive off from their claims this colored party at the time they were prospecting the country. This was advised against by witness and it was not done or carried out. Witness party spoken of above was composed of Cherokee citizens except one colored man. I am the sole survivor of this party except the colored man and possibly one other. Occupation of witness is herding wild cattle. I travel a good deal in that neighborhood at what time spoken of.

"continued on page 235."

Aaron Whitwire et al.

July 1st 1878.

vs.

Cherokee Nation.

John Riley,

sworn and witness for Deft. I live in

Cooke's meadow. I first moved there in 1858 and have continued to reside there except in time of war. I came back in the month of August 1866 to the Nation. I knew Aaron Whitwire. He returned or came to the Virginia River to live in the month of March 1867. Also came at the same time Pat & Heigh, Mike Sanders, Sam Webber, Billy Foreman, with their families and others whom I don't recollect. Claimant made a crop that spring in 1867 on an old place of Aaron's land. He had settled no other place before that.

Cross Examined.

I don't know of any colored heads or families coming in to the Nation in the month of Decr. 1866 to locate homes but I know of some who came in Sept. '66 for that purpose. I know where Aaron Whitwire lived at this time. I can hear Coody's claim in Decr. '66. I live on the west side of the river. Claimant lives and settled on the east side of the river. If any heads of families came in Decr. 1866 I never heard of them. I never knew of Bluffard Alberty being in the part of the country in 1866 in the party who came down in Sept. 1866. Aaron Whitwire was not along but Mike Sanders, Sam Webber, Colbert & perhaps Billy Foreman. Moses was not along. Dennis was not along as I know of nor Martin nor Major Wright nor Nelson Whitwire that I know of. If any such party had come down in Decr. 1866 I think certainly I would have known it.

Joseph Riley.

Randolph Riley.

(page 231)

About the middle of May 1867 I first saw this party with their families at their new homes. Chairman and others of this colored party told witness that they returned in March 1867 to the Nation.

Re Direct
I learned from John Coker that most of this colored party returned to Kansas after their families and he remained. I was at General Convention of the colored people in 1866. It was without understanding that the purpose of said convention was to ratify the treaty of 1866. I think the object of the convention was to ratify amendments to the Constitution under the treaty and to verify the treaty. The treaty was concluded the 8th of Aug. 1866. I am informed. It might have been July 19, 1866.

Witness went South during the war. J. B. Schar was not at the time herein mentioned U. S. Agent but was a Delegate and was Agent afterwards.

B. V. Albany.

Attest

D. L. Nicholson,
Clerk.

Archie Williams
vs.
Cherokee Nation.

Taken on May 10, 1878.

This day comes John F. Evans Atty for Cherokee Nation and denies all and singular the allegations of Plaintiff contained in the above named case.

John F. Evans,
Atty for C. N.

Arthur G. Croninger, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the proceedings in the above case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) Arthur G. Croninger.

Subscribed and sworn to before me this 2nd day of June, 1902.

(SEAL)

(Signed) P. G. Bouter.

Notary Public.

I, Arthur G. Evans, a stenographer to the Commission to the Five Civilized Tribes, on oath, state that the above and foregoing is a true and complete copy of the original now on file with the Commission, as the same was copied by me.

Subscribed and sworn to before me this 15th day of Aug., 1902.

Prince C. Jones
Notary Public.

To be filed with O. W. D. 518.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., May 22, 1902.

In the matter of the application of Charles C. Smith et al for
enrollment as Cherokee Freedmen.

TESTIMONY IN BEHALF OF APPLICANTS.

SUPPLEMENTAL TO D-514.

APPEARANCES:

LEWIS T. BROWN, representing Hellette & Smith, for applicants.
W. W. HASTINGS, for Cherokee Nation.

SAM WEBBER, being first duly sworn, testified as follows:

- Q. R. BROWN: State your name? A. Sam Webber.
- Q. What's your age? A. About 50 somewhere.
- Q. Your postoffice address? A. Nowata.
- Q. Are you a recognized citizen of the Cherokee Nation? A. Yes, sir.
- Q. Do you know Charles C. Smith, the applicant? A. Yes, sir.
- Q. Do you know his wife? A. Yes, sir.
- Q. Do you know her mother? A. Yes, sir.
- Q. What was her mother's name? A. Her name was, we called her Aunt
Tilda Bannenberg.
- Q. Do you know what her name was before she went by the name of
Bannenberg? A. That's the name I knowed her by.
- Q. Do you know what her second name was? A. She went by the name of
Lacey before she died.
- Q. Do you know when she returned to the Cherokee Nation after the
close of the war? A. I don't know just what month she returned; I
know when I seen her.
- Q. Please state when it was? A. Why I saw her along just about
Christmas in '68.
- Q. Now Mr. Webber go ahead and state the circumstances of your
seeing this woman at that time, and what, if anything, you done?
- A. Why I went down to Lightning Creek, and I live about—did live
about ten or fifteen miles from Lightning, and I went down there to
see this Harry Still, and I heard she was there when I was there,
she had got a little claim, this claim that Harry Still bought from
them afterwards, and she was there, her and her children.
- Q. Who else was there? A. Why, see Harry Still and Mariah Hayden,
and we used to call Aunt Mariah's daughter Puss then was all the
name I knowed her by.
- Q. What's her name now? A. I declare I never could give any name
only Puss.
- Q. What's her husband's name? A. Buckner.
- Q. George Buckner? A. Yes, sir.
- Q. Anyone else there? A. Why this Andy Rider was there, and this
Smith's wife.
- Q. Charley Smith's wife? A. Yes, sir, and her sister, and a little

boy we called Jim.

Q Do you know John Roper? A Yes, sir.

Q Do you know his wife? A Yes, sir.

Q Was she there? A Yes, sir, she was a girl then.

MR. HASTINGS: If Marian Hayden testified before the Chambers Court in her application or set forth in her application before the Chambers Court that she never came here till '67 when she made application in '78, she was mistaken then was she?

MR. BROWN: Wait a minute. It is objected to for the reason that it is assuming a fact not proven.

COMMISSIONER: Objection will be noted; answer the question, Mr. Webber.

Witness: She must have been mistaken if she testified that.

MR. HASTINGS: When were you married? A I was married along after Christmas.

Q What year? A '67.

Q How long after Christmas? A Why it wasn't long after, not very long after.

Q What women came down with you in the fall of '66? In the fall of '66?

Q Yes, sir. Was there any women? A Yes, sir, let me see now, if I could tell you; there was a girl they called Oelia Fox.

Q Anybody else? A And Dick Thurman's daughter, they called her Hannah.

Q Who else? A And then there was the Sanderses women, and the Meiggses women.

Q Well was Rube Sanders down here before? A Yes, sir, he was too, I know he was.

Q Well then you come as he come did you? A Yes, sir, and he come as I come.

Q All come along together? A All come along together.

Q And that was in the fall of '66? A Yes, sir, we come in the summer, and went back, and then come again, and come again in the fall.

You went back and come back in March of '67? A I went up there and married.

Q Well I will ask you if it is not a fact that not a single woman nor a single child come here and located north of the Frisco Road and east of the M. K. & T. in the winter of '66; did you have a house there? A Yes, sir.

Where you living in your house? A I built a house in the summer when I come down here.

Q Was Aaron Wright living up there? A No, he wasn't living there; he come, well he come down and lived there after we moved there.

Q Well but was he living there on Lightning Creek near Mariah Whitnair when you went over there and when you saw this woman? A Oh, when I saw that woman he was living there.

Q He was living there was he? A He moved there in the spring; he lived on the place where Jim Martin lives now, just right in the neighborhood, and made a crop on the old farm there without any fence.

Q What spring was that? A In the fall of '67 he moved down to Lightning Creek.

Q But when did he move to the Cherokee Nation with his family? A Aaron Wright?

Q Yes, sir. A Why he come in the winter.

Q Well of what year? A Along in '67 when Aaron Wright come.

Q Well what time in '07? A In the winter.
Q Well was it in the early winter or was it in December; was it January of '07 or was it December of '06? A I went back up there and I started him then he come down here just after that and been there ever since.
Q Well when did Lewis Whitman come? A Come with him.
Q Come along as you come to her? A Yes, sir.
Q Then you come to Lewis' corner? A Yes, sir.
Q Did you come as Lewis Whitman come? A Yes, sir, he was one of our crowd.
Q And Reuben Sanders come at the same time? A Yes, sir, he was one of our crowd.
Q Whenever they come you come? A Yes, sir.
Q I mean when they moved their families, is that the time your families came; that is your father's family? A Yes, sir, that's what I am talking about.
Q And it was after this then that you saw this woman that you spoke of, this Hansenberg or Matilda Hansenberg, it was after that, was it? A That was before that, before I married, you know.
Q It was before you married? A Yes, sir.
Q That you saw her? A Yes, sir.
Q But it was after you had come down here? A Of course.
Q Well it was after these women had come down here? A Yes, sir, and it was after Lewis Whitman had come down with his family. A Yes, sir, Lewis had no family then.
Q Well it was after these women had come down here? A Yes, sir.
Q It was after your folks had come? A Father had no family and no boys.
Q Well it was after you had all come? A Yes, sir.
Q Maria Hayden was down here at that time? A Yes, sir, she was down there.
Q They were all down there, were they? A Yes, sir.
Q Do you belong to the Freedmen's Protective Association? A Yes, sir.
Q Are you one of the committee that's been around here for two or three months representing the Freedmen? A I stays here all the time.
Q I will ask you if you ain't a member of the committee down here representing them and looking after their interests? A I am here looking after all that I witness for.

17. BROWN: Uncle Sam, you are on the roll of 1880? A Yes, sir.
Q Lewis Whitman, Mose Whitman, Aaron Whitman, Reuben Sanders are on the roll of 1880? A Yes, sir.
L. HASTINGS: The Cherokee Nation asks that the testimony introduced by the Cherokee Nation in the case of Ed Wright, the same being Freedmen Docket 212, as to the time of the return of the Whitmans, also the testimony of Aaron Rebber, together with the testimony introduced by the Cherokee Nation in the case of Aaron Rebber, being F. D. 216, be introduced and made a part of the record in this case. The Cherokee Nation also asks that the testimony of Reuben Sanders, as well as all of the testimony introduced by the Cherokee Nation in the case of Elizabeth Keigs, the same being

Freedmen Doubtful 391, be introduced and made a part of the record in this case.

COMMISSION: The above testimony and proceedings will be filed in the following Freedmen cases: D-614, the same being the case at bar, that of Charles C. Smith; D-474, John J. Rose, D-511, Emily Nolen, D-515, Pearl Smith, D-516, Matilda Smith, D-822, Minora Smith, D-823, Cora Morris; also in Cherokee Freedmen cases D-517, D-518, D-520, D-521 and D-804.

Arthur G. Croninger, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the testimony and proceedings in the above case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

(Signed) Arthur G. Croninger.

Subscribed and sworn to before me this 3rd day of July, 1902.

(Seal)

(Signed) P. G. Reuter,

Notary Public.

I, Arthur G. Evans, a stenographer to the Commission to the Five Civilized Tribes, on oath, state that the above and foregoing is a true and perfect copy of the original now on file with the Commission, as the same was made by me.

Arthur G. Evans

Subscribed and sworn to before me this 26th day of July, 1902.

Orma Jones
Notary Public.

Freed. D-514.

File with Cherokee Freedman D- 514, Charles Rose.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T. May 31, 1902.

In the matter of the application of Jane C. Smith for the enrollment of herself and children as Cherokee freedmen.

Applicants appear by Mellette & Smith; Cherokee Nation by J. S. Davenport. Testimony in behalf of applicant.

Frank Ross, being sworn and examined, testified as follows:

By Mr. Smith: State your name? A Frank Ross.

Q How old are you? A 54.

Q Where do you live? A On Lightning Creek, Cherokee Nation.

Q You know Charles C. Smith? A Yes sir, I know him.

Q Do you know his wife? A Yes, sir.

Q What is her name? A Jane.

Q Where do they live, Mr. Ross? A They live up on Hickory Creek, the last time I was up there.

Q In the Cherokee Nation? A Yes sir.

Q How long have they been living there? A They have been living there a good long while.

Q A Good many years? A Yes, over 21 years.

Q Who was Malinda Dannenberg? A His girls' mother.

Q The mother of Jane? A Yes sir.

Q When did you first see Malinda Dannenberg after the war? A In the winter of '66 on Lightning Creek.

Q Was it before Christmas? A Yes sir.

Q Was it in December or November of '66, or do you know? A In December of '66, along about the first of it.

Q Who did she have with her? A She had three children with her, a boy and two girls.

Q Who were they, name them? A Jane, Jim, I forget the other ones name right now.

Q Was that the wife of this man Charles Smith? A Jane was the wife of Charles Smith. The other one is named Emma.

Q Who did she marry? A She married a man by the name of Rose.

Q What Rose? A John J. Rose.

Q What is her present name, what name does she go by now? A She married another man, I don't know his name.

Q Would you know it if you were to hear it? A Yes sir.

Q Was it Nolan? A Yes sir.

Q Her name is Emily Nolan? A Yes sir.

Q Where did you see them? A On Lightning Creek.

Q What were they doing there? A They were camped there.

Q Do you know how long they continued to stay there? A They were there when I left.

Q How long did you stay there? A I stayed there about four or five days.

Q Did you see them any more after that? A I saw them after that about four or five years after that.

Q Not until four or five years after that? A Yes sir.

Q Where did you live at that time? A I lived on Brice's Creek part of the time.

Q I mean at that time where were you living at the time you saw these people? A I was living on Brice's creek.

Q That is how far from Lightning Creek? A About 25 or 30 miles.

J. S. Davenport: You are a freedman citizen of the Cherokee Nation? A Yes sir.

Q You have been a witness in several of these claimant cases, freedmen cases, haven't you? A Yes sir.

2-Jane C. Smith et al.

Q Well now, how old were you when the war closed? A I was about twenty, I guess.

Q Where were you living at the close of the war? A I was in the army at the close of the war. I was mustered out in '65.

Q Where were you mustered out? A At Leavenworth, Kansas.

Q What regiment did you belong to? A 79th, Company H.

Q Had you known this Matilda Dannenberg before the war? A No sir.

Q You first met her on Lightning Creek? A Yes sir.

Q Who was living with her? A They were in a camp there.

Q I asked you who was living with her when you saw her? A Her children, three children.

Q Any men folks? A Harry Still.

Q Did they have a home there of any kind? A They did not have no home at that time, they just come down from Kansas then.

Q Do you know how long they stayed there? A Some of them is there yet.

Q Which some of them is there yet? A Mrs. Hayden and Harry Still is there.

Q Which of the people have continually resided there from '66 until the present time? A Jane and Jim and all of them.

Q Have they resided in the Cherokee Nation ever since '66, are you able to say they have? A Every time I saw them they were there, they never were out.

Q Don't you know they have lived out? A No, I don't know.

Q Don't you know John Rowe and Emily were married in the State of Kansas? A No sir.

Q Did you know her before? A Yes sir.

Q Before they were married? A Yes sir.

Q How many years did you see her before she and John were married? A Ten or fifteen years.

Q Before Emily Dannenberg and John Rose were married? A Yes.

Q You are sure? A Ten or fifteen years.

Q Did you ever see Emily before the war? A I told you I didn't know them before the war.

Q You think it was at least ten years after the war before she and John were married? A I guess so.

Q Do you know anything about it? A Yes, sir.

Q If you know anything about their marriage you knew they were married in '67? A I didn't see them when they got married.

Q The record of the Court shows they were married in '67? A I wasn't there when they were married.

Q It could not have been ten years from the time you saw her when she and John were married, could it? Now don't remember a thing about that until you were called on at the tale end of this business A Yes sir.

Q Why, don't you know they were married in '67? A Because I wasn't there.

Q Were you living on Lightning Creek when they were living there?

Mr. Smith: I object to that.

Commission: Answer his question.

A All the folks that were living there knowed I was living there.

Q They had a name, who were they? A Mose Wright, Nelson Murrell.

Q Was Nelson Murrell living on Lightning Creek in '66? A Nelson Wright and Lewis Whitmore were living there.

Q They do not claim to have lived on Lightning Creek until after '66; they were living on Big Creek then? A They had built their houses there in '66.

Q They claimed to have built a house there in 1866, does their testimony show that? A I never seen their testimony.

Q Don't you know they claim they come down here in the fall of '66 and stopped on the Verdigris and made a crop and then came over on Big Creek and then in '67 came to Lightning Creek? A I don't know, it was '66 when I seen them up there.

Q Where was Charles Smith and his wife married? A I don't know.

3-Jane C. Smith et al.

- Q Where were they living when they married? A I don't know.
- Q Did you ever know them before they were married? A Yes sir, I knew the girl.
- Q What was the girl's name? A Jane.
- Q Where did you know her? A I knew her on Lightning Creek and on the bend, in there.
- Q What bend? A Gooseneck Bend.
- Q It is some distance from Gooseneck Bend to Lightning Creek? A About fifteen miles.
- Q How big a girl was she when you knew her? A She was a big girl about 17 or 18 years old.
- Q Was she living in a house up there? A She was living in a tent when I seen her.
- Q How often did you see her? A I saw her lots of time. I never saw her but once in '66.
- Q How long after that until you saw her again? A About four or five years.
- Q They weren't living in a house when you saw them first? A They were living in a house then.
- Q You never seen her until after '66? A I hadn't seen her until I saw her after that.
- Q When did you see her when she was living in a house? A It was along about '73 or '4.
- Q When did you see her mother, Matilda; was her mother living in the Cherokee Nation, living in a house? A I saw her living in a house along in '70.
- Q When did you see Emily Nolan living in a house in the Cherokee Nation? A I saw them living with their mother.
- Q How did it happen that you were going through that country in '66 and remember seeing those people in a tent? A I was hunting a place.
- Q In '66? A Yes, and am living there yet.
- Q You were living on Pryor Creek? A Yes sir.
- Q And you changed your locality and went up there, there wasn't hardly anyone living on Pryor Creek? A There wasn't many.
- Q Whose place did you pass when you went to Lightning Creek from Pryor Creek? A There wasn't any one living there. The country was all wild up there then.
- Q And you just happened to go out in that unsettled country away from where you lived to locate your place? A Yes sir.
- Q There was plenty of vacant land along Pryor Creek was there not? A Yes.
- Q There was plenty along Verdigris? A I didn't want to go on the Verdigris.
- Q There was plenty of vacant land there? A Yes.
- Q And plenty of it along Big Creek? A Yes, I didn't get on Big Creek.
- Q What part of Lightning Creek did you see these people pass? A Rachel Glass' place.
- Q Is that the place Harry Still afterwards bought? A No sir, he didn't buy that place.
- Q Then you have no recollection of seeing these people living in the Cherokee Nation or camping out in the Cherokee Nation until along in the '70's? A Somewhere along there.
- Q You don't know what they did in '66 when you saw them there, whether they stayed there or whether they went away? A No sir.
- Q What makes you remember it was '66? A It was after I was mustered out of the service in '65 and I come back home after that.
- Q It was the year after you were mustered out? A Yes sir.
- Q What year did you locate your farm up on Lightning Creek? A '73.
- Q Well, it took you quite a long while, about five years to locate your claim up on Lightning Creek? A Yes, but I wasn't on Pryor Creek.
- Q You didn't get your place located on Lightning Creek until '71? A I went up there and took my claim.

4-Jane C. Smith et al.

Q You didn't locate your claim then in '71? A I didn't make no house on it in '66. I didn't do anything on it then, I went over it, I wanted to see what it looked like.

Q It looked like a wilderness? A Yes.

Q And you left it five years before you went back? A Yes sir, there wasn't anybody but a few old settlers, the Whitmires were there. Name a Cherokee or white man that lived there? A There wasn't any lived there then. There is not many now.

Q Did the Whitmires have their women folks there when you were there in '66? A Aunt Mariah Hayden was there.

Q What month was this in '66? A Along before Christmas.

Q You said a while ago it was in December? A Yes, December is before Christmas; Christmas is in December.

Q What makes you remember it was before Christmas? A Because it was getting cold, it was getting winter.

Q Why doesn't it get cold right after Christmas? A Yes, sometimes it gets cold before Christmas.

Q You want to get it before Christmas so as to be sure to get it within the treaty that they were there? A No, that was the time we was there.

Q Did you have a conversation with them as to their having been freedmen? A Yes, I knowed them before the war and I talked with them.

Q You stayed all night with them? A I stayed all night with Nelson Whitmire.

Q Is he living or dead? A He is dead, his wife is living.

Q Well, you don't know where Charley Smith and his wife have been living since that time? A Living on California Creek.

Q All the time since '66? A Every time I have seen them.

Q Have they always resided in the Cherokee Nation since '66? A I couldn't say that, they might have gone out somewhere; every time I saw them they were here.

Q When did you first get acquainted with Charles Smith? A It has been a long time.

Q Was it in '66? A I didn't know him until after he married this woman.

Q Was he a freedman too? A I don't know.

Q Don't you remember him as well as meeting his wife? A Yes sir.

Q Well what year did you meet Charley Smith? A I don't remember.

Q Why can't you remember him you remember his wife? A Because I remember it being directly after the war.

Q You remember because he married a girl out in the prairie, out in a camp? A I didn't say anything about in the prairie. I said it was on the forks of the Creek.

Q You remember his wife because you had met her out there? A Yes.

Q Why can't you remember the year he and his wife married? A Because I wasn't there, I don't know when they married.

Q You weren't there when they came in on that Creek were you? A Yes sir.

Q You said they were there on the Creek when you got there? A The family was there. I didn't say Charley was there.

Q You weren't there when they left either were you? A I wasn't there then.

Q You don't know anything about it except the little point of '66? A Oh, yes.

Q In later years you have seen them but you didn't see them from '66 until up in '71, you never saw one of his family living up in the Cherokee Nation on Lightning Creek? A I never said I saw them on Lightning Creek in '70. I seen them up on the same bend pretty near every year.

Q What year did you see them most from '66 and up to '71 at celebrations? A I saw them in '70 all along.

Q Then there was a period of five or six years you didn't know where they were? A Yes.

Q Was she married when you saw them there in 1871? A I don't know, she may have been.

5- Jane C. Smith et al.

- Q When did you first see Charley and found out that he claimed to have married this girl? A It was a good while after that.
- Q Was it as late as '80? A Before that, it was along in '77 or '78.
- Q When did you first see this Emily and know that John Rowe and she were married? A About the same time.
- Q About '77 or '8? A Somewhere along there.
- Q Did you ever know of these parties living at Lawrence, Kansas, and Topeka, Kansas? A I never was there; I come through there.
- Q Did you ever know of this family living there? A No sir.
- Q Did you know John Rowe before he and Emily were married? A He and him soldiered together.
- Q You were both mustered out in Kansas? A Yes.
- Q Did you ever see John Rowe from the time that you learned that he and Emily had married? A No, when I seen him he said he was married.
- Q Did you separate from Rowe in the Cherokee Nation or in the state after you and he were mustered out? A We separated at Leavenworth.
- Q How far is Leavenworth from Lawrence? A I don't know how far it is. It ain't very far.
- Q You made the trip didn't you? A But I didn't know how far.
- Q You have no idea what the distance is? A No sir.
- Q When you were mustered out and came down to the Cherokee Nation, do you know whether John had ever met Emily at that time? A I don't know, I left him at Leavenworth.
- Q After you met him in the Indian Territory did you have any conversation as to where they had been living before they came to the Cherokee Nation? A No sir, never had no such conversation. They told me they lived on California Creek when I first saw them.
- Q Where did they say they were living from the time you and John separated at Leavenworth, Kansas, up until the time you learned he and Emily had married? A He never told me where he was living.
- Q Do you mean that we should understand that you had soldiered with a man and been mustered out with him and then separated from him and hadn't seen him for 9 years or about that time and then when you met again you didn't ask as to where he had been during the interval? A No, he never told me and I never asked him.
- Q You and John Rowe weren't very intimate soldiers? A We were always good friends.
- Q Did Rowe ask you where you had been living? A Not that I know of.
- Q You then didn't discuss the subject of residence between you? A Not that I recollect; I don't think he asked me.
- Q What month of the year were you mustered out? A In October.
- Q Of what year? A Of '65.
- Q What year was the Wallace roll made? A Along in '60, some time in '66 I believe.
- Q Why can't you remember the exact year the Wallace Roll was made, you remember '66? A Because I remember '66 is because I was mustered out in '65.
- Q You drew money from the Wallace roll, why can't you remember that just as well as the year '66? A I don't know.
- Q What year was the Kern Clifton roll made? A Along about '89 some where.
- Q How far do you live from Charley Smith now? A He lives up on Hickory Creek.
- Q About how far is it? A About 26 miles.
- Q Has he ever lived any closer to you since he came to the Cherokee Nation than that? A No sir.
- Q How far did you live from John Rowe's? A He lives near Lompah, about the same distance.
- Q Did he ever live any closer to you than that? A No sir.
- Q Then you haven't been seeing them very often since they came? A I seen them sometimes every year and sometimes twice a year when we have meetings up on the bend.

C- Jane C. Smith et al.

Q You were at Chelsea and Nowata and nearly all the places where the Commission was the past year? A Sometimes a day and a half a day.

Q You were there when Charles Smith made his application? A I don't think I was. I saw him there at Chelsea.

Q Did he call you as a witness? A He called me, but he didn't use me.

Q How did that happen? A I don't know know.

Q It happened because you didn't know anything that would benefit him? A Just as much as I know now.

Q You didn't tell him then what you know now and what you are telling here to-day? A Yes, I did.

Q How did it happen that he didn't use you then? A I don't know.

Q You waited until the last day before you came? A I didn't know this was the last day.

Q You don't mean to say that you didn't know this was the last day fixed by the Commission? A Is this the last day?

Q Do you mean to say you didn't know? A I heard it was the last day, but I don't know it.

Q And you waited until that day to come and testify? A I have been here ever since Wednesday and have been waiting on you fellows.

Q We have been ready to take it any time? A I don't know.

Q Have you been denied since you came here that we would not take your testimony? A I don't know.

Q Have you asked that you might give your testimony that you might go home? A I was waiting until they called it up.

Q You knew when you came here Wednesday that you weren't expected to testify until today? A No sir, I didn't.

Q And you didn't want to testify until today and not until this afternoon? A I was willing to testify the first day I come here so I could have been home.

Q Who did you ask? A I didn't ask nobody.

Q Been around the Commission room continuously ever since you came?

A Not ever since I been here, I have been sick half the time down at the hotel.

Q Who was Chief when you were up there in '66 and saw these people camping? A Bill Ross was acting as chief then.

Q You weren't up there hunting horses like L. D. Daniels, were you?

A Lewis Daniels was elected chief after that.

(REDIRECT)

Q How is the health of the people generally in that country? A My health has not been very good.

Q Do you know whether this paper was handed in Thursday that you be called to testify in this case, or not? A No sir, I donot know.

The applicant offered in evidence a certified copy of marriage record taken from the marriage records of Cooweescoowee District, Cherokee Nation, certified to by B. W. Alberty, Assistant Executive Secretary of the Cherokee Nation.

J. S. Davenport: The representative of the Cherokee Nation objects to the introduction of the paper offered in evidence because it does not purport to be a certified copy of any regular marriage record kept, does not purport to be a copy of the license recorded or the certificate of the Minister or other officer solemnizing the same. The representative of the Cherokee Nation further objects to the document offered because that it is immaterial and incompetent and not a record which can be proven by a certified copy, it not being a record entered by official of the nation while in his official capacity, or which purports to be an official act, but is simply a record stating what the recollection of a man who was at some time clerk, remembers about a certain marriage, and because of the further fact that the Clerk has no power whatever and never did under the Cherokee law, by his unlawful acts, have the right to admit to

citizenship anyone by violating the law and issuing to them a marriage license.

Commissioner: The document will be filed and considered for what it may be worth.

7-Jane C. Smith et al.

This testimony will also be filed in the following freedmen cases:

| | |
|------------------------------|----------------------------|
| D-882, Elnora Smith; | D-883, Cora Morris; |
| D-515, Pearl Smith; | D-516, Matilda Smith; |
| D-511, Emily Nolan et al; | D-474, John J. Rose et al; |
| D-517, Mary Blackburn et al; | D-518, Charles Rose; |
| D-520, James Colbert; | D-521, Geneva Lynch et al; |
| D-804, William Rose; | |

as well as in the case at bar, the same being that of Jane Smith for the enrollment of herself and children, D-514.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

E. G. Rothenberger.

Subscribed and sworn to before me this 16th day of June, 1902.

P. G. Reuter,
Notary Public.

SEAL.

I, Roy Palmer, being first duly sworn, state that as stenographer to the Commission to the Five Civilized Tribes I made the foregoing copy, and that the same is a true and complete copy of the original.

Roy Palmer

Subscribed and sworn to before me this 20th day of August, 1902.

B. A. Jones
Notary Public.

E. G. Bennett

and no. entitled same as filed with the Commission, which copy was made a fine and perfect copy of the original testimony in the space five classified slips, on each were past the space and foregoing is I, E. G. Bennett, a stenographer to the Commission to the

(SAY)

(Signed)

Notary Public.
E. G. Bennett.

Subscribed and sworn to before me this 1st day of June, 1805.

(Signed)

E. G. Hempelberg.

and collected the same as the stenographic notes thereof. the proceedings in the space case, and that the foregoing is a fine

to the Commission to the five classified slips he personally reviewed and maintaining, being this sworn states that as stenographer

and Court is denied.

subsequent time to the certified copies of the proceedings of the take judicial notice of the foregoing of said Court in the rendered the 2nd day of November, 1806, and as the Commission must be made in strict compliance with the decree of the Court of Claims

The law provides that the list of Cherokee freedmen shall

and

with an extension of time is necessary or denied.

the Cherokee Nation on the one side of the applicant on the other unless there is some check and judicial reason shown either by

no extension should be granted in any case and no case rendered the agreement between the applicants, that the testimony in all cases the 21st day of May, 1805, and that this period the 2nd day of May,

action of the list of witnesses, representing some applicants, and was given them all in settlement in March last, that the cases would

best to make out their case before the Commission, and that notice for the reason that most of these applicants have been called to the statements of their testimony, and as the testimony of this redempt

The Cherokee Nation now, especially applicants, objects to

M. W. Hastings;

is desired to go so. in the Court of Claims, for the counsel of the Cherokee Nation in it in the case of Moses Whitfield, directed as Cherokee Nation on the

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., May 31, 1902.

In the matter of the application of FERRY ADAMS for enrollment as a Cherokee Freedman:

Applicant appears by Mallette & Smith; Cherokee Nation, by W. W. Hastings:

By Mr. Smith:

The applicant moves the Commission to make the certified copy of the decree of the Court of Claims in the case of Moses Whitmire, Trustee for the Freedmen, vs The Cherokee Nation, No. 17209 filed in the Mariah Hayden case T. B. 493, a part of the record in this case and the cases hereinafter mentioned by reference to the said case of the said Mariah Hayden, and if it be deemed necessary that a copy of the said decree be filed in this case and in the following cases, to-wit:

Charles Ross, D. 112;

By W. W. Hastings:

Comes now the Cherokee Nation and objects to the introduction of the decree because, First: It does not tend to show that the applicant was a slave of the Cherokee Nation at the beginning of the war, nor that he returned within the time specified in the treaty of 1866, or that he had been a continuous resident of the Cherokee Nation since that time, or that he is a descendant of such a person. Second: Because the same is incompetent, irrelevant and immaterial, and does not tend to prove an issue in this case. Third: Because the Commission will take judicial knowledge of all laws, treaties and decrees necessary for the determination of the right of any person who makes application for citizenship. Fourth: The Cherokee Nation objects to the filing of a certified copy of this decree in the case of an applicant unless the same is called and filed in each individual case.

Commission:

The motion of the attorney for the applicant will be entertained and the decree of the Court of Claims filed in the case of Mariah Hayden will be made a part of the record by reference in all the cases above named with the exception of those which come within the provisions of the temporary injunction recently granted by Judge Gill of the United States Court, of the Northern District, Indian Territory.

Mr. Smith:

The applicant further moves that as to the above named cases including the Mariah Hayden case that counsel for the applicant be allowed within thirty days to file any of the proof of any or all of the record other than the decree already referred to

in the case of Moses Whitmire, trustee, vs Cherokee Nation, on file in the Court of Claims to the counsel of the Cherokee Nation if it is desired to do so.

W. W. Hastings:

The Cherokee Nation most certainly strenuously objects to the allowance of this permission or to the granting of this request for the reason that most of these applicants have had more than a year in which to file all of their testimony that they desired to file to make out their case before the Commission and that notice was given them all by agreement in March last, that the cases would be closed so far as testimony was concerned by the special permission of the firm of attorneys representing these applicants, on the 31st day of May, 1902, and that this being the 31st day of May, 1902, we say that under the rulings of the Commission, that under the agreement between the attorneys, that the testimony in all these cases is to close and should be closed by the Commission, and that no extension should be granted in any case and no case reopened unless there is some special and particular reason shown either by the Cherokee Nation on the one side or the applicant on the other why an extension of time is necessary or desired.

The Commission:

The law provides that the roll of Cherokee freedmen shall be made in strict compliance with the decree of the Court of Claims rendered the 3rd day of February, 1896, and as the Commission must take judicial notice of the judgment roll of said Court in the proceedings referred to the motion of attorneys for applicants for additional time to file certified copies of the proceedings of the said Court is denied.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings in the above case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

(Signed) E. G. Rothenberger.

Subscribed and sworn to before me this 14th day of June, 1902.

(SEAL)

(Signed) P. G. Reuter,
Notary Public.

I, E. C. Bagwell, a stenographer to the Commission to the Five Civilized Tribes, on oath state that the above and foregoing is a true and perfect copy of the original testimony in the above entitled cause as filed with the Commission, which copy was made by me.

E. C. Bagwell

Subscribed and sworn to before me this July 29, 1902.

P. G. Reuter
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Robert Rose et al.,
for enrollment as Cherokee freedmen, consolidating the applications
of

| | | |
|----------------------|-------------------|-------|
| Robert Rose et al | Cherokee Freedmen | D 474 |
| Jane Smith et al | " | D 514 |
| Emily Wolen et al | " | D 511 |
| Pearl Smith | " | D 513 |
| Matilda Smith | " | D 516 |
| Mary Blackburn et al | " | D 517 |
| Charles Rose | " | D 518 |
| James Colbert et al | " | D 520 |
| Geneva Lynch et al | " | D 521 |
| William Rose | " | D 804 |
| Daisy Rose | " | D 132 |
| Elmira Smith | " | D 862 |
| Cora Morris et al | " | D 883 |

D E C I S I O N.

The record herein shows that applications for enrollment as Cherokee freedmen were made to this Commission by John J. Rose for his minor children, Robert and James Rose; said application also included the said John J. Rose who claims right to enrollment as a Cherokee freedman by intermarriage, but the status of persons claiming right to enrollment as Cherokee freedmen by intermarriage not being fixed at this time, the said John J. Rose is not embraced in this decision; by Charles C. Smith for his wife, Jane, and minor children, Chester, Frank, Bertha, Catherine, Curtis and Melvola Smith; said application also included the said Charles C. Smith, who claims right to enrollment as a Cherokee freedman by intermarriage, but the status of persons claiming right to enrollment as Cherokee freedmen by intermarriage not being fixed at this time, the said Charles C. Smith is not embraced in this decision; by Emily Wolen for herself and minor child, Jessie Rose; by Pearl Smith for herself; by Matilda Smith for herself; by Mary Blackburn for herself and minor child, Jeff Dickson; by Charles Rose for himself; by James Colbert for himself and minor children, Myrtle, Mable, Minnie, Walter J., Ernestine and Pearl L. Colbert; said application also included Susie Colbert, wife of the said James Colbert, who claims right to enrollment as a Cherokee freedman by intermarriage, but the status of persons claiming right to enrollment as Cherokee freedmen by intermarriage not being fixed at this time, the said Susie Colbert is not

entrusted to his decision; by John V. Lynch for herself and her children, John Rooney and Fred Vane; by William Ross for his minor child, Alice Ross; by Clara Smith for herself; and by Cora Harris for herself and her children, Clara Co., David, Charles and John Harris. Copies of the testimony taken in the cases of Edward Wright, Cherokee Freedmen 1115, Aaron Walker, Cherokee Freedmen 1116, Joe Ross, Cherokee Freedmen 1142 and Elizabeth Ross, Cherokee Freedmen 1141, and Harry Still, Cherokee Freedmen 1176, are filed with and made a part of the record herein.

The evidence shows that Jane Smith, Emily Nolen, formerly Rose, and James Colbert are the adult children of Matilda Colbert (formerly Dannerburg), deceased; that they were the slaves of Cherokee citizens at the commencement of the rebellion, and that they went to Kansas during said rebellion. It is shown by evidence introduced in behalf of the applicants that said Jane Smith, Emily Nolen and James Colbert returned to the Cherokee Nation with Warick Wyden, mother of Harry Still, after the war; and the Commission has decided in the case of Henry C. Wyden et al., Cherokee Freedmen 1148, that the said Warick Wyden did not return to and take up her residence in said Nation until after 1873, which decision was approved by the Department on November 22, 1902 (I.T.D. 5888, 6242-1500).

Jack Landrum, a witness in behalf of the applicants, testified that the said Matilda Colbert and her daughter, Emily, returned to the Cherokee Nation in the fall of 1865 and remained therein for a period of four or five years following that date. If the testimony of Harry Still to the effect that said applicants returned with Warick Wyden, his mother, be accepted as true, it follows that said Jack Landrum is in error when he states that Matilda Colbert and her daughter, Emily, were living in the Cherokee Nation from 1865 to 1870 or 1871. Again, Landrum is positively contradicted by the testimony of Little Jake and Johnathan Jones, two witnesses whose testimony is corroborated by other circumstantial evidence. Little Jake testified that he knew Emily Nolen, James Colbert, and Jane Smith in Kansas at the close of the war; and that following the war he was attended school with Emily Nolen and Jane Smith "at two different times" (Ex. 100). Johnathan Jones testified that he resided in Kansas, Kansas, in 1865, 1866, 1867, 1868, 1869, 1870, 1871, 1872, 1873, 1874, 1875, 1876, 1877, 1878, 1879, 1880, 1881, 1882, 1883, 1884, 1885, 1886, 1887, 1888, 1889, 1890, 1891, 1892, 1893, 1894, 1895, 1896, 1897, 1898, 1899, 1900, 1901, 1902, 1903, 1904, 1905, 1906, 1907, 1908, 1909, 1910, 1911, 1912, 1913, 1914, 1915, 1916, 1917, 1918, 1919, 1920, 1921, 1922, 1923, 1924, 1925, 1926, 1927, 1928, 1929, 1930, 1931, 1932, 1933, 1934, 1935, 1936, 1937, 1938, 1939, 1940, 1941, 1942, 1943, 1944, 1945, 1946, 1947, 1948, 1949, 1950, 1951, 1952, 1953, 1954, 1955, 1956, 1957, 1958, 1959, 1960, 1961, 1962, 1963, 1964, 1965, 1966, 1967, 1968, 1969, 1970, 1971, 1972, 1973, 1974, 1975, 1976, 1977, 1978, 1979, 1980, 1981, 1982, 1983, 1984, 1985, 1986, 1987, 1988, 1989, 1990, 1991, 1992, 1993, 1994, 1995, 1996, 1997, 1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2117, 2118, 2119, 2120, 2121, 2122, 2123, 2124, 2125, 2126, 2127, 2128, 2129, 2130, 2131, 2132, 2133, 2134, 2135, 2136, 2137, 2138, 2139, 2140, 2141, 2142, 2143, 2144, 2145, 2146, 2147, 2148, 2149, 2150, 2151, 2152, 2153, 2154, 2155, 2156, 2157, 2158, 2159, 2160, 2161, 2162, 2163, 2164, 2165, 2166, 2167, 2168, 2169, 2170, 2171, 2172, 2173, 2174, 2175, 2176, 2177, 2178, 2179, 2180, 2181, 2182, 2183, 2184, 2185, 2186, 2187, 2188, 2189, 2190, 2191, 2192, 2193, 2194, 2195, 2196, 2197, 2198, 2199, 2200, 2201, 2202, 2203, 2204, 2205, 2206, 2207, 2208, 2209, 2210, 2211, 2212, 2213, 2214, 2215, 2216, 2217, 2218, 2219, 2220, 2221, 2222, 2223, 2224, 2225, 2226, 2227, 2228, 2229, 2230, 2231, 2232, 2233, 2234, 2235, 2236, 2237, 2238, 2239, 2240, 2241, 2242, 2243, 2244, 2245, 2246, 2247, 2248, 2249, 2250, 2251, 2252, 2253, 2254, 2255, 2256, 2257, 2258, 2259, 2260, 2261, 2262, 2263, 2264, 2265, 2266, 2267, 2268, 2269, 2270, 2271, 2272, 2273, 2274, 2275, 2276, 2277, 2278, 2279, 2280, 2281, 2282, 2283, 2284, 2285, 2286, 2287, 2288, 2289, 2290, 2291, 2292, 2293, 2294, 2295, 2296, 2297, 2298, 2299, 2300, 2301, 2302, 2303, 2304, 2305, 2306, 2307, 2308, 2309, 2310, 2311, 2312, 2313, 2314, 2315, 2316, 2317, 2318, 2319, 2320, 2321, 2322, 2323, 2324, 2325, 2326, 2327, 2328, 2329, 2330, 2331, 2332, 2333, 2334, 2335, 2336, 2337, 2338, 2339, 2340, 2341, 2342, 2343, 2344, 2345, 2346, 2347, 2348, 2349, 2350, 2351, 2352, 2353, 2354, 2355, 2356, 2357, 2358, 2359, 2360, 2361, 2362, 2363, 2364, 2365, 2366, 2367, 2368, 2369, 2370, 2371, 2372, 2373, 2374, 2375, 2376, 2377, 2378, 2379, 2380, 2381, 2382, 2383, 2384, 2385, 2386, 2387, 2388, 2389, 2390, 2391, 2392, 2393, 2394, 2395, 2396, 2397, 2398, 2399, 2400, 2401, 2402, 2403, 2404, 2405, 2406, 2407, 2408, 2409, 2410, 2411, 2412, 2413, 2414, 2415, 2416, 2417, 2418, 2419, 2420, 2421, 2422, 2423, 2424, 2425, 2426, 2427, 2428, 2429, 2430, 2431, 2432, 2433, 2434, 2435, 2436, 2437, 2438, 2439, 2440, 2441, 2442, 2443, 2444, 2445, 2446, 2447, 2448, 2449, 2450, 2451, 2452, 2453, 2454, 2455, 2456, 2457, 2458, 2459, 2460, 2461, 2462, 2463, 2464, 2465, 2466, 2467, 2468, 2469, 2470, 2471, 2472, 2473, 2474, 2475, 2476, 2477, 2478, 2479, 2480, 2481, 2482, 2483, 2484, 2485, 2486, 2487, 2488, 2489, 2490, 2491, 2492, 2493, 2494, 2495, 2496, 2497, 2498, 2499, 2500, 2501, 2502, 2503, 2504, 2505, 2506, 2507, 2508, 2509, 2510, 2511, 2512, 2513, 2514, 2515, 2516, 2517, 2518, 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2685, 2686, 2687, 2688, 2689, 2690, 2691, 2692, 2693, 2694, 2695, 2696, 2697, 2698, 2699, 2700, 2701, 2702, 2703, 2704, 2705, 2706, 2707, 2708, 2709, 2710, 2711, 2712, 2713, 2714, 2715, 2716, 2717, 2718, 2719, 2720, 2721, 2722, 2723, 2724, 2725, 2726, 2727, 2728, 2729, 2730, 2731, 2732, 2733, 2734, 2735, 2736, 2737, 2738, 2739, 2740, 2741, 2742, 2743, 2744, 2745, 2746, 2747, 2748, 2749, 2750, 2751, 2752, 2753, 2754, 2755, 2756, 2757, 2758, 2759, 2760, 2761, 2762, 2763, 2764, 2765, 2766, 2767, 2768, 2769, 2770, 2771, 2772, 2773, 2774, 2775, 2776, 2777, 2778, 2779, 2780, 2781, 2782, 2783, 2784, 2785, 2786, 2787, 2788, 2789, 2790, 2791, 2792, 2793, 2794, 2795, 2796, 2797, 2798, 2799, 2800, 2801, 2802, 2803, 2804, 2805, 2806, 2807, 2808, 2809, 2810, 2811, 2812, 2813, 2814, 2815, 2816, 2817, 2818, 2819, 2820, 2821, 2822, 2823, 2824, 2825, 2826, 2827, 2828, 2829, 2830, 2831, 2832, 2833, 2834, 2835, 2836, 2837, 2838, 2839, 2840, 2841, 2842, 2843, 2844, 2845, 2846, 2847, 2848, 2849, 2850, 2851, 2852, 2853, 2854, 2855, 2856, 2857, 2858, 2859, 2860, 2861, 2862, 2863, 2864, 2865, 2866, 2867, 2868, 2869, 2870, 2871, 2872, 2873, 2874, 2875, 2876, 2877, 2878, 2879, 2880, 2881, 2882, 2883, 2884, 2885, 2886, 2887, 2888, 2889, 2890, 2891, 2892, 2893, 2894, 2895, 2896, 2897, 2898, 2899, 2900, 2901, 2902, 2903, 2904, 2905, 2906, 2907, 2908, 2909, 2910, 2911, 2912, 2913, 2914, 2915, 2916, 2917, 2918, 2919, 2920, 2921, 2922, 2923, 2924, 2925, 2926, 2927, 2928, 2929, 2930, 2931, 2932, 2933, 2934, 2935, 2936, 2937, 2938, 2939, 2940, 2941, 2942, 2943, 2944, 2945, 2946, 2947, 2948, 2949, 2950, 2951, 2952, 2953, 2954, 2955, 2956, 2957, 2958, 2959, 2960, 2961, 2962, 2963, 2964, 2965, 2966, 2967, 2968, 2969, 2970, 2971, 2972, 2973, 2974, 2975, 2976, 2977, 2978, 2979, 2980, 2981, 2982, 2983, 2984, 2985, 2986, 2987, 2988, 2989, 2990, 2991, 2992, 2993, 2994, 2995, 2996, 2997, 2998, 2999, 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021, 3022, 3023, 3024, 3025, 3026, 3027, 3028, 3029, 3030, 3031, 3032, 3033, 3034, 3035, 3036, 3037, 3038, 3039, 3040, 3041, 3042, 3043, 3044, 3045, 3046, 3047, 3048, 3049, 3050, 3051, 3052, 3053, 3054, 3055, 3056, 3057, 3058, 3059, 3060, 3061, 3062, 3063, 3064, 3065, 3066, 3067, 3068, 3069, 3070, 3071, 3072, 3073, 3074, 3075, 3076, 3077, 3078, 3079, 3080, 3081, 3082, 3083, 3084, 3085, 3086, 3087, 3088, 3089, 3090, 3091, 3092, 3093, 3094, 3095, 3096, 3097, 3098, 3099, 3100, 3101, 3102, 3103, 3104, 3105, 3106, 3107, 3108, 3109, 3110, 3111, 3112, 3113, 3114, 3115, 3116, 3117, 3118, 3119, 3120, 3121, 3122, 3123, 3124, 3125, 3126, 3127, 3128, 3129, 3130, 3131, 3132, 3133, 3134, 3135, 3136, 3137, 3138, 3139, 3140, 3141, 3142, 3143, 3144, 3145, 3146, 3147, 3148, 3149, 3150, 3151, 3152, 3153, 3154, 3155, 3156, 3157, 3158, 3159, 3160, 3161, 3162, 3163, 3164, 3165, 3166, 3167, 3168, 3169, 3170, 3171, 3172, 3173, 3174, 3175, 3176, 3177, 3178, 3179, 3180, 3181, 3182, 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3515, 3516, 3517, 3518, 3519, 3520, 3521, 3522, 3523, 3524, 3525, 3526, 3527, 3528, 3529, 3530, 3531, 3532, 3533, 3534, 3535, 3536, 3537, 3538, 3539, 3540, 3541, 3542, 3543, 3544, 3545, 3546, 3547, 3548, 3549, 3550, 3551, 3552, 3553, 3554, 3555, 3556, 3557, 3558, 3559, 3560, 3561, 3562, 3563, 3564, 3565, 3566, 3567, 3568, 3569, 3570, 3571, 3572, 3573, 3574, 3575, 3576, 3577, 3578, 3579, 3580, 3581, 3582, 3583, 3584, 3585, 3586, 3587, 3588, 3589, 3590, 3591, 3592, 3593, 3594, 3595, 3596, 3597, 3598, 3599, 3600, 3601, 3602, 3603, 3604, 3605, 3606, 3607, 3608, 3609, 3610, 3611, 3612, 3613, 3614, 3615, 3616, 3617, 3618, 3619, 3620, 3621, 3622, 3623, 3624, 3625, 3626, 3627, 3628, 3629, 3630, 3631, 3632, 3633, 3634, 3635, 3636, 3637, 3638, 3639, 3640, 3641, 3642, 3643, 3644, 3645, 3646, 3647, 3648, 3649, 3650, 3651, 3652, 3653, 3654, 3655, 3656, 3657, 3658, 3659, 3660, 3661, 3662, 3663, 3664, 3665, 3666, 3667, 3668, 3669, 3670, 3671, 3672, 3673, 3674, 3675, 3676, 3677, 3678, 3679, 3680, 3681, 3682, 3683, 3684, 3685, 3686, 3687, 3688, 3689, 3690, 3691, 3692, 3693, 3694, 3695, 3696, 3697, 3698, 3699, 3700, 3701, 3702, 3703, 3704, 3705, 3706, 3707, 3708, 3709, 3710, 3711, 3712, 3713, 3714, 3715, 3716, 3717, 3718, 3719, 3720, 3721, 3722, 3723, 3724, 3725, 3726, 3727, 3728, 3729, 3730, 3731, 3732, 3733, 3734, 3735, 3736, 3737, 3738, 3739, 3740, 3741, 3742, 3743, 3744, 3745, 3746, 3747, 3748, 3749, 3750, 3751, 3752, 3753, 3754, 3755, 3756, 3757, 3758, 3759, 3760, 3761, 3762, 3763, 3764, 3765, 3766, 3767, 3768, 3769, 3770, 3771, 3772, 3773, 3774, 3775, 3776, 3777, 3778, 3779, 3780, 3781, 3782, 3783, 3784, 3785, 3786, 3787, 3788, 3789, 3790, 3791, 3792, 3793, 3794, 3795, 3796, 3797, 3798, 3799, 3800, 3801, 3802, 3803, 3804, 3805, 3806, 3807, 3808, 3809, 3810, 3811, 3812, 3

It further appears that all the other applicants herein were born since 1866; that they are the descendants of and claim right to enrollment through said Emily Nelson, Jane Smith or James Gilbert; and that they have no other rights except as such descendants. The names of none of said applicants herein are found on the 1860 authenticated roll of said Nation.

It is, therefore, the opinion of this Commission that the applications for the enrollment of Robert Rose, James Rose, Jane Smith, Chester Smith, Frank Smith, Bertha Smith, Catherine Smith, Curtis Smith, Malvada Smith, Emily Nelson, Jessie Rose, Pearl Smith, Matilda Smith, Mary Blackburn, Jeff Dickson, Charles Rose, James Gilbert, Myrtle Gilbert, Mahle Gilbert, Minnie Gilbert, Walter J. Gilbert, Ernestine Gilbert, Pearl L. Gilbert, Geneva Lynch, John Leoney, Fred Lynch, William Rose, Daisy Rose, Minnie Smith, Gern Morris, Clarence Morris, David Morris, Charles Morris and Helen Morris, as Cherokee Freedmen, should be denied under the provisions of Section Twenty-one of the Act of Congress, approved June 26, 1906 (34 Stat., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(Signed) Tans Dixey, Chairman.

- T. H. Needles, Commissioner.
- G. R. Brockinridge, Commissioner.
- W. E. Stanley, Commissioner.

Muskogee, Indian Territory,

this MAR 11 1904

D

7-10 575

D. _____

**INDIAN TERRITORY,
CHEROKEE NATION.**

I hereby certify that I served the with-
in notice on _____

by delivering a true copy thereof on the
_____ day of _____ A. D. 190...

Given under my hand this
day of _____ A. D. 190...

Marshal for the Cherokee Nation.

I, the undersigned attorney for the
within named applicant, hereby accept
service of the within notice on this the

day of **SEP 23**, 190...

Michael J. Smith
Attorney for applicant.

UNITED STATES OF AMERICA }
INDIAN TERRITORY, } S. S.
NORTHERN DISTRICT. }

I do solemnly swear that I delivered a
true copy of the within notice to _____

on the _____ day of _____ A. D. 190...

Subscribed and sworn to before me
this _____

**DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.**

FILED

SEP 24 1901

[Signature]
SPECIAL CHAIRMAN

NOTICE!

IN THE MATTER OF the application of Chas. Rose
for enrollment as Cherokee citizens:
Case No. D 5/8
To Chas. Rose or Mellette A. Smith his Attys.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee citizen at the office of the United States Commission to the Five Civilized Tribes in the town of Vinita Indian Territory, on Oct. 23d 1901 at 8 o'clock A. M. or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee citizens.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this Sept. 21st 1901.

L B Bell
M. W. Hastings
Attorneys for the Cherokee Nation.

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,
from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.


Mr. Charles Pose,
Coffeyville, Kans.,
Cherokee-F-7-518.
Registrar.

TAMS BIXBY,
T. B. NEEDLES,
C. R. BRECKINRIDGE,
Commissioners.

7B.

J.S. 8/18

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
JUN 5 1901


ACTING CHAIRMAN

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date JUN 5 1901
 Post Office Coffeyville Kas
 District Co.

1. Name Charles Rose Age 29

Owner's name _____ Citizenship _____

Year 80 Page 446 No. 3673 District Co.

Parents: _____

Father John Rose Citizenship Colored

Mother family of Rose Citizenship _____

2. Name of wife _____ Age _____

Owner's name _____ Citizenship _____

Year _____ Page _____ No. _____ District _____

Parents: _____

Father _____ Citizenship _____

Mother _____ Citizenship _____

Names of Children: Donald

3. Year _____ Page _____ No. _____ Dist. _____

4. Year _____ Page _____ No. _____ Dist. _____

5. Year _____ Page _____ No. _____ Dist. _____

6. Year _____ Page _____ No. _____ Dist. _____

7. Year _____ Page _____ No. _____ Dist. _____

8. Year _____ Page _____ No. _____ Dist. _____

9. Year _____ Page _____ No. _____ Dist. _____

10. Year _____ Page _____ No. _____ Dist. _____

11. Year _____ Page _____ No. _____ Dist. _____

12. Year _____ Page _____ No. _____ Dist. _____

Application made by No 1 Stenographer M. W. Green

on Wallace will P. 137 No 2861, 2000 Dist

Represented by Mellett + Smith, Chas. S. G.

Ref to 10474 + 10511.

C. F.D. 618

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED
JUN 17 1901

 ACTING CHAIR.

COMMISSIONERS:

HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRICKNORRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Nowata, Indian Territory, June 17th, 1901.

Received of the Commission to the Five Civilized Tribes
one copy of the original testimony of June 5th, 1901, in the
matter of the application of Charles Rose for the enrollment of
himself as a Freedman of the Cherokee Nation.

Willeto Smith
Attorney for Applicant.

Cherokee F. #D518.

(COPY)

Cherokee Freedman
D-818.

Muskegee, Indian Territory, March 22, 1904.

Charles Rose,

Coffeyville, Kansas.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 11, 1904, rejecting, among others, your application for enrollment as a Cherokee freedman. There has this day been forwarded to your attorney, Edgar Smith, Vinita, Indian Territory, a copy of the record of proceedings, together with a copy of the Commission's decision.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Register.

Enc. D-17.

Commissioner in Charge.

Cherokee Freedmen
D-474, et al

Muskogee, Indian Territory, March 22, 1904.

W. V. Hastings,

Attorney for Cherokee Nation,

Tahlequah, Indian Territory.

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 11, 1904, in the consolidated case of Robert Rose et al., rejecting the applications for the enrollment of Robert and James Rose, Jane, Chester, Frank, Bertha, Catherine, Curtis and Melvora Smith, Emily Helen, Jessie Rose, Pearl Smith, Matilda Smith, Mary Blackburn, Jeff Dickson, Charles Rose, James, Myrtle, Mable, Minnie, Walter J., Ernestine and Pearl L. Gilbert, General Lynch, John Leona, Ernie Lynch, William and Daisy Rose, Cera, Clarence, David, Charles and Helen Morris as Cherokee freedmen.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Enc. D-24.

Commissioner to Cherokee

COPY.

Cherokee Freedmen
D-474 et al.

Muskogee, Indian Territory, March 22, 1904.

Edgar Smith,

Attorney for Robert Ross et al.,

Vinita, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the record of proceedings had in the consolidated case of Robert Ross et al., together with a copy of the Commission's decision, dated March 11, 1904, rejecting the applications for the enrollment of Robert and, James Ross, Jane, Chester, Frank, Bertha, Catherine, Curtis, and Melveta Smith, Emily Welen, Jennie Ross, Pearl Smith, Matilda Smith, Mary Blackburn, Jeff Dickson, Charles Ross, James, Myrtle, Mable, Minnie, Walter J., Emisteen and Pearl L. Colbert, Geneva Lynch, John Leoney, Prue Lynch, William and Daisy Ross, Elvora Smith, Sara, Clarence, David, Charles and Helen Morris as Cherokee freedmen.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Register.

Commissioner in Charge.

Cherokee Freedmen
D-474 et al.

Muskogee, Indian Territory, March 22, 1904.

The Honorable

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the consolidated case of Robert Rose et al., including the Commission's decision, dated March 11, 1904, rejecting the applications for the enrollment of Robert and James Rose, Jane, Chester, Frank, Bertha, Catharine, Curtis and Melveta Smith, Emily Helen, Jessie Rose, Pearl Smith, Matilda Smith, Mary Blackburn, Jeff Dickson, Charles Rose, James, Myrtle, Noble, Minnie, Walter J., Ernestine and Pearl L. Gilbert, Geneva Lynch, John Leoney, Fess Lynch, William and Daisy Rose, Elvora Smith, Cera, Lawrence, David, Charles and Helen Morris as Cherokee Freedmen.

Respectfully,

Through the

Commissioner of Indian Affairs.

Commissioner in Charge.

Enc. D-25.

COPY

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

Land,
28430-1906.

March 23, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to invite your attention to the enclosed letter of the 19th instant from William O. Beall, Acting Commissioner to the Five Civilized Tribes, wherein he says that his office is in receipt by Departmental reference of March 10, 1906 (I.T.D. 2853-1906), for report and recommendation thereon, of two letters from Jane Smith of Lenapah, Indian Territory, dated February 26, 1906, one addressed to the President, and the other to the Hon. Thomas Ryan, Assistant Secretary, concerning the status of the citizenship and allotment selections in the Cherokee Nation of Emily Helen, Jane Smith and James Colbert.

In her letter Jane Smith says that, "People are filing on our lands, selling and leasing to Oil Co., and the Lenapah Oil & Gas Co. are now operating an oil well on our lands," and that they have been to the Commission to the Five Civilized Tribes and the Indian Agent for protection. She asks to be advised if the persons named will be allowed to file contest on their land, and if it is "in your power to pretest us or stop this Lenapah Oil & Gas Co." She also

says that, "Our cases are yet pending and people are coming in and taking possession and going to work operating oil wells."

Reporting, Mr. Beall says that the records of the Commissioner's office show that applications were made to the Commission to the Five Civilized Tribes for the enrollment of Jane Smith and James Colbert and Emily Helen (Helen) as Cherokee freedmen; that their applications were embraced in the consolidated applications for the enrollment as Cherokee freedmen of Robert Ross, et al., in which the Commission, on March 11, 1904, decided adversely to all the applicants; and that on December 3, 1904, the Commission's decision was duly affirmed by the Department.

He also says that the land which these persons claim is not described and he is therefore unable to report on its status. The records of his Office do not show that Jane Smith and Emily Helen have ever applied for land as their allotments in the Cherokee Nation. The records of the Commissioner do show, however, that on December 24, 1904, before the Cherokee land office of the Commission was notified of the Departmental action in the case, James Colbert appeared before that office and made application, with a view to instituting contest proceedings therefor, for the SW/4 of the NE/4 of the SW/4, and the W/2 of the SE/4 of the SW/4 of Section 18, Township 27 North, Range 15 East of the Indian Meridian, which land had theretofore been selected as a part of the allotment for Jennet Bewles, and the E/2 of the SE/4 of the SW/4, same Section, Township and Range, which had theretofore been selected as a part of

the allotment for Peggie Sanders; on behalf of his minor child, Myrtle Colbert, Lot 3 of Section 18, Township 27 North, Range 15 East, and the NE/4 of the SE/4 of Section 13, Township 27 North, Range 14 East, which had theretofore been selected as a part of the allotment for Eliza Rateliff; on behalf of his minor child, Mabel Colbert, the E/2 of the NE/4 of the SW/4, and the SE/4 of the NE/4 of the SW/4 of Section 18, Township 27 North, Range 15 East, theretofore selected as a part of the allotment of Jennet Bowles; the E/2 of the SE/4 of the SE/4 of Section 13, Township 27 North, Range 14 East, theretofore selected as a part of the allotment for Joe Waterdown, and the E/2 of the NW/4 of the SE/4, and the NW/4 of the NW/4 of the SE/4 of Section 18, Township 27 North, Range 15 East, theretofore selected as a part of the allotment for Geneva Wefferd, and on behalf of his minor child, Minnie Colbert, the West 18.47 acres and the East 20 acres of Lot 2, Section 18, Township 27 North, Range 15 East, theretofore selected as a part of the allotment for Eliza Rateliff, and the SW/4 of the SE/4 of the SW/4, and the E/2 of the SE/4 of the SW/4 of Section 13, Township 27 North, Range 14 East, theretofore selected as a part of the allotment for Ahnawake Waterdown.

Mr. Beall adds that the records of the Commissioner further show that on January 16, 1905, the application made by James Colbert for the land above described was cancelled and the land regularly allotted to the respective parties named, and certificates therefor have been issued; that the records of the Commissioner's office fail to show that any action has been

filed for review or rehearing in these cases, and in the absence of anything to the contrary, it does not appear that Jane Smith, Emily Nelson or James Colbert have any claim to land in the Cherokee Nation.

In view of the report of the Acting Commissioner, I recommend that Jane Smith be advised that since she and the other persons in behalf of whom she writes are not recognized citizens of the Cherokee Nation, that they have no rights to Cherokee lands and cannot be protected in their occupancy of such lands.

Very respectfully,

C. F. Larrabee

Acting Commissioner.

BBH-Y.

D. C. 12735-1906.
I.T.D. 2352-1906.
5194-1906.

COPY

LRS

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

Y.P.
FMR.

April 4, 1906.

The Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

The Department is in receipt of the Acting Commissioner's letter of March 19, 1906, relative to two letters from Jane Smith concerning the status of the citizenship and allotment selections in the Cherokee nation of Emily Nolan, Jane Smith and James Colbert.

On March 30, 1906, you were advised of the filing of a motion to reopen the Cherokee enrollment case of Robert Rose, et al, with which were consolidated the cases of the parties above mentioned, and you were directed to take proper action to protect the applicants in such rights as they might have.

You will immediately advise all the principal applicants that they are at liberty to file contest, under the rules governing your office in similar cases, to protect their rights to any lands they may claim they would be entitled to in case a decision by the Department is rendered in their favor in the pending citizenship case. Advise W. J. Sullivan, of Muskogee, the party who filed the motion to reopen, heretofore, and advise any adverse claimants, promptly, of the filing of any application to

-2-

context, and also the U. S. Indian Agent, Union Agency, in order that he may be fully informed in the case of any matter coming before him involving the land.

A copy of Indian Office letter of March 22, 1906, submitting the Acting Commissioner's report, is inclosed.

Respectfully,

Thos. Ryan,

First Assistant Secretary.

1 inclosure.

Through the Commissioner
of Indian Affairs.

Cherokee
F R 636 et al.

Muskogee, Indian Territory, April 11, 1906.

Chief Clerk,

Cherokee Land Office.

Dear Sir:

There are inclosed herewith two copies of Departmental letter of April 4, 1906 (I.T.D. 2852-1905, 5194-1906), in reply to this office letter of March 19, 1906, relative to two letters from Jane Smith concerning the status of the citizenship and allotment selections in the Cherokee nation of Emily Nolen, James Smith, and James Colbert. The Department refers to its letter to this office of March 30, 1906, advising that a motion has been filed to reopen the Cherokee freedman case of Robert Rose, et al., and instructs this office to advise all of the principal applicants in said case that they are at liberty to file contest under the rules governing this office in similar cases, to protect whatever rights they may have to any land in the Cherokee Nation.

The Department also directs that W. J. Sullivan of Muskogee, Indian Territory, the party who filed said motion, be advised of the Department's instructions, and also to promptly advise any adverse claimants of the filing of any application to institute contest, and the U. S. Indian Agent, Union Agency, in order that he may be fully informed in the case of any mat-

Chief Clerk--2.

ter coming before him involving the land.

The principal applicants in each of the Cherokee Freedmen cases included in the consolidated case of Robert Rose, et al., and W. J. Sullivan of Muskogee, Indian Territory, have this day been advised of the Department's letter and notified if any land in the Cherokee nation which they have heretofore held as the prospective allotments of themselves and family, should they be enrolled as Cherokee citizens, and on which they have permanent and valuable improvements has been selected in allotment by other citizens of the Cherokee Nation, they will be permitted to appear before the offices of the Commissioner at the earliest practicable date and their applications to institute contest proceedings therefor will receive due consideration.

Respectfully,

Incl. GL-11.
GHL

Acting Commissioner.

Cherokee
F R 636 et al.

Muskogee, Indian Territory, April 11, 1906.

W. J. Sullivan,

Attorney for Robert Rose, et al.,

Muskogee, Indian Territory.

Dear Sir:

The Department in its letter to this office of April 4, 1906, referring to its letter of March 30, 1906, in reference to the motion to reopen the Cherokee freedman enrollment case of Robert Rose, et al., instructs as follows:

"You will immediately advise all the principal applicants that they are at liberty to file contest, under the rules governing your office in similar cases, to protect their rights to any land they may claim they would be entitled to in case a decision by the Department is rendered in their favor in the pending citizenship case."

You are advised that the principal applicants in each of the cases included in the consolidated case of Robert Rose, et al., has this day been notified that if land in the Cherokee Nation, which he has heretofore claimed as the prospective allotments for himself and the members of his family and on which he has permanent and valuable improvements, has been selected in allotment by other citizens of the Cherokee Nation, he will be permitted to appear before the offices of the Commissioner at the earliest practicable date and his ap-

W. J. Sullivan--2.

plication to institute contest proceedings therefor will then receive due consideration.

For your information there is inclosed herewith a copy of Departmental letter referred to.

Respectfully,

Incl. GL-10/
GHL

Acting Commissioner.

Cherokee
F R 651.

Muskogee, Indian Territory, April 11, 1906.

Charles Reese,
Coffeyville, Kansas.

Dear Sir:

In letter to this office of March 30, 1906, the Department advises that a motion had been filed to reopen the Cherokee freedman enrollment case of Robert Reese, et al., with which was consolidated your application for the enrollment of yourself as a Cherokee freedman. The Department in a letter of April 4, 1906, referring to said case, instructs this office as follows:

"You will immediately advise all the principal applicants that they are at liberty to file contest, under the rules governing your office in similar cases, to protect their rights to any lands they may claim they would be entitled to in case a decision by the Department is rendered in their favor in the pending citizenship case."

You are, therefore, hereby notified that if any land in the Cherokee Nation on which you have permanent and valuable improvements, and which you have heretofore held as your prospective allotment in the Cherokee Nation in the event you were enrolled as a Cherokee freedman, has been selected in allotment by other citizens of the Cherokee Nation, you will be permitted to appear before the offices of the Commissioner at the

Charles H. H. H.

earliest practicable date at which time your application to
institute contest proceedings therefor will receive due con-
sideration.

Respectfully,

GHL

Acting Commissioner.

(0 0 7 7)

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,

Refer in reply
to the following:

WASHINGTON, October 20, 1904.

Sir:

26122-1904.
71324-1904.

The Honorable,

The Secretary of the Interior.

Sir:

I enclose herewith, a report from the Commission to the Five Civilized Tribes, dated March 22, 1904, transmitting the record of the consolidated applications for enrollment as Cherokee freedmen by John J. Rose for his minor children, Robert and James Rose; by Charles C. Smith for his wife, Jane, and minor children, Chester, Frank, Bertha, Catherine, Curtis and Melveta Smith; by Emily Nolan for herself and her minor child, Jessie Rose; by Pearl Smith for himself; by Matilda Smith for herself; by Mary Blackburn for herself and minor child, Jeff Dickson; by Charles Rose for himself; by James Colbert for himself and minor children, Myrtle, Mable, Minnie, Walter J., Harroldine and Pearl L. Colbert; by Geneva Lynch for herself and her minor children, John Leoney and Prue Lynch; by William Rose for himself; by William Rose for his minor child, Daisy Rose; by Minerva Smith for herself, and by Cera Morris for herself and minor children, Clarence, David, Charles and Helen Morris.

March 11, 1904, the Commission decided adversely to all the applicants.

The evidence shows that Jane Smith, Emily Nelson, formerly Ly Hess, and James Gilbert are the adult children of Matilda Gilbert (formerly Sonnenberg), deceased; that they were the slaves of Cherokee citizens at the beginning of the war of the rebellion and that they went to Kansas during said war. It is shown by evidence on behalf of the applicants, that Jane Smith, Emily Nelson and James Gilbert returned to the Cherokee Nation with Maria Hayden after the war; that the Commission has decided that the said Maria Hayden did not return to and take up her residence in the Cherokee Nation until after 1873, which decision was approved by the Department on November 20, 1902 (I. T. D. 5982, 6262-1902).

It further appears that all the other applicants were born since 1866; that they are the descendants of, and claim right to enrollment through said Emily Nelson, Jane Smith or James Gilbert and have no other rights except as such descendants.

The older applicants are identified on the ~~McClintock~~ and Wallace rolls, but none is identified on the 1880 authenticated Cherokee roll.

A brief (71324-1904), has been filed on the applicant's behalf, and the same has been carefully considered.

In view of the report the approval of the Commission's decision adverse to the applicants is recommended.

Very respectfully,

A. C. Jenner

Acting Commissioner.

H.N.N.
V.

(COPY)

DEPARTMENT OF THE INTERIOR,

WASHINGTON, December 2, 1904.

W. S. F.
Y. P.
H. H.

D. C. 47202-1904.

I. T. D. 18725-1904.

IND

Commission to the Five Civilized Tribes.

Wichita, Indian Territory.

Gentlemen:

March 22, 1904, you transmitted the record in the consolidated Cherokee freedman case of Robert Ross, et al (F. D. 476 et al), including your decision of March 11, 1904, which was adverse to the applicants.

Reporting in the matter October 18, 1904, the Acting Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

Due consideration has been given to a brief filed by the attorney for the applicants in the case.

The Department concurs in the Acting Commissioner's recommendation, and your decision is hereby affirmed.

Respectfully,

(Signed) Theo. Ryan

Acting Secretary.

1 inclosure.

COPY.

Cherokee Freedman
D-618.

Muskogee, Indian Territory, December 14, 1904.

Charles Rose,

Coffeyville, Kansas.

Dear Sir:

You are hereby advised that the Commission's decision dated March 11, 1904, rejecting among others, the application for the enrollment of yourself as a Cherokee freedman, was affirmed by the Secretary of the Interior on December 3, 1904.

Respectfully,

(SIGNED) *Tams Bixby.*
Chairman.

COPY.

Cherokee Freedmen
D-474, et al.

Muskogee, Indian Territory, December 14, 1904.

Edgar Smith,

Attorney for Robert Rose, et al.,

Vinita, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated March 11, 1904, rejecting the applications for the enrollment of Robert, James, Jennie, Charles, William and Daisy Rose; Jane, Chester, Frank, Bertha, Catherine, Curtis, Melvora, Pearl, Matilda and Minora Smith; Emily Nelson; Mary Blackburn; Jeff Dickson; James, Myrtle, Mable, Minnie, Walter J., Krainsteen and Pearl L. Gilbert; Geneva and Prue Lynch; John Leoney, and Cera, Clarence, David, Charles and Helen Morris, as Cherokee freedmen, was affirmed by the Secretary of the Interior on December 3, 1904.

Respectfully,

(SIGNED).

Tame Dixby
Chairman.

COPY.

Cherokee Freedmen
D-474, et al.

Muskogee, Indian Territory, December 14, 1904.

Bell, Hastings & Davenport,
Attorneys for the Cherokee Nation,
Vinita, Indian Territory.

Gentlemen:

You are hereby advised that the Commission's decision dated March 11, 1904, rejecting the applications for the enrollment of Robert, James, Jesse, Charles, William and Daisy Rose; Jane, Chester, Frank, Bertha, Catherine, Curtis, Melvora, Pearl, Matilda and Elvora Smith; Emily Wolen; Mary Blackburn; Jeff Dickson; James, Myrtle, Mable, Minnie, Walter J., Arnis-teen and Pearl L. Gilbert; Geneva and Prue Lynch; John Leoney, and Cora, Clarence, David, Charles and Helen Morris, as Cherokee freedmen, was affirmed by the Secretary of the Interior on December 3, 1904.

Respectfully,

(SIGNED): *Tame Bixby.*
Chairman.

**END
OF
REEL**

